FEDERAL REGISTER

VOLUME 18 NUMBER 179

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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 2—APPOINTMENT THROUGH THE COMPETITIVE SYSTEM

PART 7—NONCOMPETITIVE INDEFINITE APPOINTMENT OF FORMER EMPLOYEES AND INDEFINITE EMPLOYEES OF OTHER AGENCIES; AND PROMOTION, DEMOTION, AND REASSIGNMENT OF INDEFINITE EMPLOYEES

MISCELLANEOUS AMENDMENTS

1. Paragraph (d) is added to § 2.115 as set out below:

§ 2.115 *Indefinite appointment.* * * *

(d) *Authority for displacement by career employees.* The Commission hereby delegates authority to agencies to separate indefinite employees, classified in Retention Preference Group III, in order to fill their positions by separated career employees who received notice of separation by reduction in force within the preceding one-year period. Nonveterans shall be displaced ahead of veterans in the same competitive level. Any separation under this section will be considered as having been made on order of the Commission and will not be subject to the requirements of Parts 9, 20 and 22 of this chapter.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp.)

2. Paragraph (b) of § 7.106 is amended to read as follows:

§ 7.106 *Agency authority and general requirements for promotion, demotion, or reassignment of indefinite employees.* * * *

(b) The Commission may disapprove any promotion, demotion, or reassignment, or suspend or withdraw this authority whenever, after post audit, it finds that the regulations in this section have not been followed or for other reasons finds such action to be in the interests of the service.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 53-7943; Filed, Sept. 11, 1953; 8:48 a. m.]

PART 30—ANNUAL AND SICK LEAVE REGULATIONS

PART 34—APPOINTMENT, COMPENSATION, AND REMOVAL OF HEARING EXAMINERS

HOURS OF WORK TO BE DISREGARDED; APPOINTMENTS; SEPARATIONS

1. Effective September 16, 1953, § 30.504 is amended to read as follows:

§ 30.504 *Hours of work to be disregarded.* Any hours in a pay status in excess of the agency's basic working hours in any pay period shall be disregarded in computing annual and sick leave earnings of part-time employees, except that hourly employees in the field service of the Post Office Department shall be credited with leave to the annual maximum in accordance with the actual number of hours in pay status.

(Sec. 7, 49 Stat. 1162; 5 U. S. C. 30e. E. O. 9414, Jan. 13, 1944. 9 F. R. 623, 3 CFR, 1944 Supp.)

2. Effective upon publication in the FEDERAL REGISTER, § 34.3 (a) is amended to read as follows:

§ 34.3 *Appointments*—(a) *Prior approval.* No appointment to a hearing examiner position except one made by selection from a certificate of eligibles furnished by the Commission shall be made without the prior approval of the Commission. All appointments will be subject to security clearance by the agency.

3. Effective upon publication in the FEDERAL REGISTER, § 34.14 (c) is amended to read as follows:

§ 34.14 *Separations.* * * *

(c) *Exceptions from procedures.* The procedures in this part governing the removal of hearing examiners shall not apply in making dismissals requested

(Continued on next page)

CONTENTS

FEDERAL REGISTER

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CONTENTS—Continued

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

by the Commission under § 5.4 of this chapter, nor to dismissals made by agencies in the interest of national security under Executive Order No. 10450 of April 27, 1953 (18 F R. 2489) and the act of August 26, 1950 (64 Stat. 476)

(Sec. 11, 60 Stat. 244; 5 U. S. C. 1010)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 53-7932; Filed, Sept. 11, 1953; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 946—MILK IN THE LOUISVILLE, KENTUCKY, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 946.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Louisville, Kentucky marketing area. Upon the basis of the evidence introduced at such

hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held; and

(4) The necessary expenses of the market administrator for maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expenses 3 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all receipts of (i) milk from producers, (ii) other source milk allocated to Class I, or (iii) milk distributed as Class I in the marketing area from a non-pool plant.

(b) *Additional findings.* It is necessary, in the public interest, to make this order, amending the order, as amended, effective not later than October 1, 1953. Any delay beyond that date in the effective date of this order would unnecessarily postpone needed changes in the provisions of the order.

The provisions of the said order are well known to handlers. The recommended decision containing all important amendment provisions of this order was published in the FEDERAL REGISTER July 30, 1953 (18 F R. 4465) The decision of the Secretary concerning the proposed amendments appeared in the FEDERAL REGISTER August 27, 1953 (18 F. R. 5122) The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. It is hereby found, therefore, that good cause exists for making this order effective October 1, 1953. (Sec. 4(c) Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, as amended, which is marketed within the Louisville, Kentucky, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of the order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area, and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (June 1953), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Louisville, Kentucky, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. Delete § 946.41 (a) and substitute therefor the following:

(a) Class I milk shall be all skim milk (including concentrated or reconstituted skim milk solids) and butterfat (1) disposed of in fluid form as milk, skim milk, cream (including sour cream) buttermilk, milk drinks (plain or flavored), except skim milk and butterfat disposed of in fluid form for livestock feed; (2) disposed of in fluid form as any milk product which is required by the appropriate health authority in the marketing area to be made from milk, skim milk, or cream, from sources approved by such authority and (3) not accounted for as Class II milk.

2. Delete § 946.50 (b) and substitute therefor the following:

(b) The price per hundredweight resulting from the following formula:

(1) Multiply by 8.53 the average of the daily prices per pound of cheese at Wisconsin Primary Markets ("cheddars," f. o. b. Wisconsin assembling points, cars or truckloads) as reported by the U. S. D. A. during the month;

(2) Add 0.902 times the Chicago butter price for the month;

(3) Subtract 34.3 cents; and

(4) Add an amount computed by multiplying the Chicago butter price for the month by 0.12 and then by 3.

3. Delete from § 946.50 (c) the following: "Borden Co., Greenville, Wis." and "Carnation Co., Jefferson, Wis."

4. Delete § 946.51 (a) and substitute therefor the following:

(a) *Class I milk.* The price of Class I milk per hundredweight shall be the basic formula price rounded to the nearest cent plus $1.25.

5. Renumber subparagraphs (3), (4), (5) and (6) of § 946.46 (a) and all references to them wherever they appear in the order to read "(4) (5), (6) and (7)," respectively; and add a new subparagraph "(3)" in § 946.46 (a) to read as follows:

(3) Subtract from the pounds of skim milk remaining in Class II an amount equal to such remainder, or the product obtained by multiplying the pounds of skim milk in milk received from producers by .05, whichever is less:

6. Delete the subparagraph renumbered § 946.46 (a) (6) in amendment No. 5 above and substitute therefore the following:

(6) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraphs (1) and (3) of this paragraph.

7. Delete § 946.61 (b) and substitute therefor the following:

(b) On or before the 13th day after the end of each month, pay to the market administrator for deposit in the producer-settlement fund an amount of money computed by multiplying the quantity of Class I milk disposed of in the manner described in § 946.11 (d) by the price arrived at by subtracting from the Class I price adjusted by the Class I butterfat and transportation differentials:

(1) For the months of January through September, the Class II price adjusted by the Class II butterfat differential; or

(2) For the months of October through December, the uniform price computed pursuant to § 946.71 adjusted by the Class I transportation differential and by a butterfat differential calculated by multiplying the total volume of producer butterfat in each class during the month by the butterfat differential for each class, dividing the resultant figure by the total butterfat in producer milk and rounding the resultant figure to the nearest one-tenth cent.

8. Delete § 946.70 (d) and substitute therefor the following:

(d) Add the amount computed by multiplying the pounds of skim milk and butterfat subtracted from Class I milk pursuant to § 946.46 (a) (2) and (b) by the price arrived at by subtracting from the Class I price adjusted by the Class I butterfat and transportation differentials:

(1) For the months of January through September, the Class II price adjusted by the Class II butterfat differential; or

(2) For the months of October through December, the uniform price computed pursuant to § 946.71 adjusted by the Class I transportation differential and by a butterfat differential calculated by multiplying the total volume of producer butterfat in each class during the month by the butterfat differential for each class, dividing the resultant figure by the total butterfat in producer milk and rounding the resultant figure to the nearest one-tenth cent.

9. In § 946.88 and § 946.61 (c) delete the phrase "2.5 cents" and substitute therefor "3.0 cents."

10. Delete § 946.52 and substitute therefor the following:

§ 946.52 *Price adjustments to handlers*—(a) *Butterfat differential.* If the

weighted average butterfat content of milk received from producers allocated to Class I milk or Class II milk, respectively pursuant to § 946.46, for a handler is more or less than 3.8 percent, there shall be added to or subtracted from, as the case may be, the price for such class, for each one-tenth of 1 percent that such weighted average butterfat test is above or below 3.8 percent, a butterfat differential (computed to the nearest tenth of a cent) calculated for each class as follows:

(1) *Class I milk.* Multiply by 1.25 the Chicago butter price for the month and divide the result by 10.

(2) *Class II milk.* For the months of August through March, multiply by 1.2 the Chicago butter price for the month and divide the result by 10, and for the months of April through July, multiply by 1.15 the Chicago butter price for the month and divide by 10.

(b) *Nonfat solids adjustment.* If any of the water contained in the milk from which a product is made is removed before such product is disposed of by a handler, the hundredweight of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat solids contained in such product, plus all of the water originally associated with such solids.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 8th day of September 1953, to be effective on and after October 1, 1953.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 53-7940; Filed, Sept. 11, 1953; 8:47 a. m.]

[Lemon Reg. 501, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953) regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

Order as amended. The provisions in paragraph (b) (1) (ii) of § 953.608 (Lemon Regulation 501, 18 F R. 5381) are amended to read as follows:

(ii) District 2, 300 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 10th day of September 1953.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 53-7890; Filed, Sept. 11, 1953; 8:51 a. m.]

[Lemon Reg. 502]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.609 *Lemon Regulation 502*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953) regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on September 9, 1953, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 13, 1953, and ending at 12:01 a. m., P. s. t., September 20, 1953, is hereby fixed as follows:

(i) District 1. Unlimited movement;

(ii) District 2: 250 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 501 (18 F R. 5381) and made a part of this section by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 10th day of September, 1953.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 53-7981; Filed, Sept. 11, 1953; 8:51 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter G—Procurement

PART 590—GENERAL PROVISIONS

PART 591—PROCUREMENT BY FORMAL ADVERTISING

PART 592—PROCUREMENT BY NEGOTIATION

PART 594—INTERDEPARTMENTAL PROCUREMENT

PART 596—CONTRACT CLAUSES AND FORMS

PART 601—LABOR

PART 602—GOVERNMENT PROPERTY

MISCELLANEOUS AMENDMENTS

1. Section 590.306-50 is revised as follows:

§ 590.306-50 *Furnishing of freight rates.* (a) The functions of furnishing

freight rates for use by Contracting Officers for the evaluation of bids and proposals as required by § 590.306–1 has been assigned to zone transportation officers.

(b) Purchasing offices will obtain freight rates from the zone transportation officer within whose geographical limits the purchasing offices are located regardless of the origin and destination points of the intended purchases, except that a rate quoting service will be provided in the Office of the Chief of Transportation for purchasing offices assigned within the Military District of Washington.

2. In § 590.354–4, paragraph (e) is amended by adding a new sentence at the end thereof, as follows: "A copy of the synopsis will be forwarded also to Procurement Information Center, Office of the Assistant Secretary of the Army (Material) Old Post Office Building, Twelfth and Pennsylvania Avenue NW., Washington 25, D. C."

3. In § 590.355–3 (d) subparagraph (2) is revoked.

4. Section 590.456 is amended by adding a new sentence at the end thereof:

§ 590.456 *Responsibility for insuring the availability of funds.* * * * The Contracting Officer will be responsible for determining that final delivery under the terms of the contract, acceptance, and payment may be made before expiration of the available period for expenditure of the funds concerned.

5. Subpart E—Construction, comprising §§ 590.500, 590.501, 590.502, 590.503 and 590.504 is revoked.

6. In § 590.602, paragraph (c) is amended as follows:

§ 590.602 *Execution of contracts—requirements.* * * *

(c) *Signature by agents of contractors.* Contracts executed on behalf of contractors by agents must be accompanied by evidence, satisfactory to the Contracting Officer, of the agent's authority so to do. In the case of corporations the amount and type of evidence to be required to determine the authority of a particular agent to bind a corporation is for administrative determination by the Contracting Officer, subject to the limitation that the interest of the Government should be protected. The Contracting Officer need not require that corporations execute a certificate in the form included in DD Form 351–2 provided he obtains other evidence which satisfactorily shows that the agent is empowered to bind the corporation.

7. In § 590.604–1, paragraph (b) is amended as follows:

§ 590.604–1 *Personal or professional services.* * * *

(b) *Contracts for employment of other than experts or consultants which may involve personal or professional services.* Contracts with individuals or organizations containing any one or more of the following elements will be submitted to the level of the Head of Procuring Activity involved for review:

(1) Payment to Contractor will be rendered on a time basis.

(2) The contract calls for no definite end item.

(3) The contract provides for or will require supervision by government personnel of its performance other than the administrative supervision exercised by a Contracting Officer.

This paragraph shall not apply to time and material contracts as set forth in § 592.407 of this subchapter. This paragraph does not authorize Heads of Procuring Activities to approve contracts for experts or consultants or organizations thereof or contracts for stenographic reporting services. Such contracts will be submitted in accordance with paragraph (a) of this section for approval by the Secretary.

8. In § 590.604–4, a new paragraph (c) is added as follows:

§ 590.604–4 *Architect-Engineer contracts.* * * *

(c) The Chief, Armed Forces Special Weapons Project, has been delegated authority, and is authorized, to approve the award of Architect-Engineer contracts in amounts not exceeding $10,000 in connection with repairs and utilities projects under the jurisdiction of that agency.

9. Section 590.604–5 is rescinded and the following substituted therefor:

§ 590.604–5 *Research and development contracts*—(a) *Chief, Purchases Branch.* Awards of negotiated contracts for research and development within the scope of an approved research and development project will be submitted to the Chief, Purchases Branch, Assistant Chief of Staff, G–4, Department of the Army, for approval when the total contract amount involved exceeds $250,000.

(b) *Heads of Technical Services.* (1) Awards of negotiated contracts for research and development within the scope of an approved research and development project may be approved personally by the Heads of Technical Services or their Deputies when the amount of the contract does not exceed $250,000. Further, the Heads of Technical Services or their Deputies may approve supplements or modifications to contracts for research and development within the scope of an approved research and development program provided that when the cumulative total of the basic contract, supplements, and modifications exceeds $250,000, the latest modification or supplement will be submitted to the Assistant Chief of Staff, G–4, Department of the Army (Chief, Purchases Branch) for approval. Subsequent approvals of similar supplements and modifications in increments totalling not to exceed $250,000 may be approved by the Heads of Technical Services or their Deputies without reference to the Assistant Chief of Staff, G–4. Heads of Technical Services may, at their discretion, redelegate all or any part of this authority to personally selected chiefs or acting chiefs of appropriate field purchasing offices without power of further redelegation.

(2) The Chief of Agency Staff, Armed Services Textile and Apparel Procurement Agency, and his Deputy, are hereby granted the same authority, without power of redelegation, as is granted to the Heads of Technical Services and their Deputies by this paragraph. See also in this connection, § 592.4[illegible]–1 of this subchapter.

10. In § 590.604–7, paragraph (c) is amended as follows:

§ 590.604–7 *Negotiated contracts in general.* * * *

(c) *Armed Services Textile and Apparel Procurement Agency.* The Chief of Agency Staff, ASTAPA, and the Deputy Chief are authorized to approve awards of negotiated contracts that come within the ASTAPA Charter as approved by the Department of Defense in amounts not in excess of $5,000,000.

* * * * *

11. In § 590.604–10, paragraph (a) is revoked and the following substituted therefor:

§ 590.604–10 *Modifications of contracts.* (a) Heads of Procuring Activities are authorized to approve supplemental agreements to existing supply or non-personal contracts, except Utility Service Contracts (§ 590.604–6) regardless of dollar value under the conditions set forth in subparagraphs (1) through (6) of this paragraph. This authority may be redelegated at the discretion of the Head of a Procuring Activity subject to the same conditions.

(1) The proposed supplement pertains to (i) a basic contract previously approved by the Assistant Chief of Staff, G–4, or higher authority or (ii) pertains to a basic contract having a previous supplement which has been so approved.

(2) The proposed supplement contains no deviations from procurement regulations which were not authorized for use in the previously approved basic contract or supplement.

(3) The profit or fee does not exceed any limitation imposed on the Head of the Procuring Activity.

(4) Terms and conditions of the proposed supplement are such that there is no statutory requirement for approval by higher authority. Supplements to facilities contracts involving non-severable facilities will continue to be submitted to the Assistant Chief of Staff, G–4, for approval.

(5) The proposed supplement applies to an approved program for which funds are available.

(6) This authority shall not be applicable to Research and Development contracts where the proposed supplemental agreement has a dollar value in excess of $250,000.

* * * * *

12. In § 590.903–3, paragraph (a) is revoked and the following substituted therefor:

§ 590.903–3 *To Assistant Chief of Staff, G–4, Department of the Army.* (a) To approve correction of mutual mistakes (as defined in § 590.903–1 (a)) and ambiguities in contracts when the estimated or actual increase in price granted or to be granted to the Contractor does not exceed $50,000, subject to

the limitations contained in § 590.908–1 (b)

* * * * *

13. In § 590.908–1, the opening statement of paragraph (b) is amended as follows:

§ 590.908–1 *Correction of mutual mistakes and ambiguities.* * * *

(b) Mutual mistakes, as defined in paragraph (a) of this section, and ambiguities may be corrected by the Assistant Chief of Staff, G–4, or at the level of the Head of a Procuring Activity under the authority of the statutory and administrative authorities cited in § 590.901 only if:

* * * * *

14. Section 590.918–1 is rescinded and the following substituted therefor:

§ 590.918–1 *Amendments without consideration, correction of mistakes and formalization of informal commitments*—(a) A report will be rendered quarterly by each Head of a Procuring Activity relative to claims received and actions taken pursuant to authority contained in §§ 590.906 to 590.909–3.

(b) Heads of Procuring Activities will consolidate information obtained from all purchasing offices (as defined in § 590.253–1) and forward such report to Assistant Chief of Staff, G–4, Department of the Army Washington 25, D. C., Attn: Chief, Purchases Branch, in time to reach that office by the 20th day of the month following the quarter covered by the report. Letters of transmittal will not be used in forwarding these reports. Negative reports will be submitted.

(c) The following information will be included:

(1) Type of claim involved (e. g., correction of mistake, etc.)

(2) Purchasing office concerned.

(3) Date claim was received.

(4) Name and address of contractor.

(5) Contract number or numbers involved.

(6) Type of contract (formally advertised or negotiated) (This item is not required when the claim is made pursuant to §§ 590.909 to 590.909–3)

(7) Type of product or service involved.

(8) Dollar amount involved.

(9) Changes in conditions or Government action which affected contractor's costs. (This item is not required when the claim is made pursuant to §§ 590.907 to 590.909–3.)

(10) Disposition or status of claim.

(i) Finally approved by the Head of Procuring Activity.

(ii) Finally denied by Head of Procuring Activity (or any intermediate office, including Contracting Officer)

(iii) Principal reasons for approval or denial.

(iv) Pending:

(*a*) In purchasing office.

(*b*) In office of Head of Procuring Activity.

(*c*) In Contract Adjustment Board.

(d) After a claim has once been reported as finally approved or denied, or forwarded to the Army Contract Adjustment Board, it need not be reported on succeeding monthly reports.

(e) A numerical summary will be attached to each quarterly report indicating the following information in substantially the following format:

	Type of claim					
	Amendment without consideration §§ 590.906–590.907–3		Correction of mutual mistakes §§ 590.908–590.908–3		Formalization of informal commitments §§ 590.909–590.909–3	
[1]	Number	Total dollar value involved	Number	Total dollar value involved	Number	Total dollar value involved
On hand at beginning of quarter						
Received during quarter						
Disposed of during quarter (total)						
Finally approved:						
Amount claimed						
Amount awarded						
Finally denied						
Withdrawn, returned, etc.[1]						
Fowarded to ACAB						
Pending as of end of quarter (total)						

[1] Should be explained in remarks.

(f) Forms will not be supplied for this report. Reports Control Symbol CS–GLD–376 (R1) has been assigned to this report.

(R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup., 151–161)

15. A new Subpart J, including §§ 590.1000 through 590.1004 is added as follows:

SUBPART J—CONSTRUCTION

Sec.
590.1000 Scope of subpart.
590.1001 New construction.
590.1002 Responsibility.
590.1003 Authorization.
590.1004 Formal advertising.

AUTHORITY: §§ 590.1000 to 590.1004 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup., 151–161.

§ 590.1000 *Scope of subpart.* This subpart sets forth the general procurement policies of the Army Establishment with respect to military construction and implements Subchapter A, Chapter IV of this title generally rather than a specific section or part thereof.

§ 590.1001 *New construction.* The term "new construction" as used in this Procedure includes the advance planning, preparation of plans, specifications and estimates, design, erection, budgeting and allocation of funds, issuance of directives and provisions of necessary labor, material, equipment, supplies and transportation necessary for initial erection or installation of any building structure, plant, ground facility, utility system, wharves, airfields, etc., or other real property for the Army built separately or apart from existing facilities.

§ 590.1002 *Responsibility.* The Chief of Engineers is charged with the direction of all work pertaining to new construction for the Army Establishment except as otherwise directed. In the execution of new construction he is charged with the application of Army establishment construction policies including conformance with construction standards, suitability of the project and for technical and engineering accuracy.

§ 590.1003. *Authorization.* All work under the supervision of the Corps of Engineers, including new work and modifications to work previously authorized, will be accomplished by formal directive issued by the Chief of Engineers. The following, however, are authorized to accomplish emergency construction and necessary repair work for all activities under their jurisdiction:

(a) Major oversea commanders.

(b) Major commanders in United States territories and possessions.

(c) Attachés.

(d) Chiefs of foreign missions (Army)

(e) Chiefs of Army sections of any joint military missions not operating under the jurisdiction of a major oversea command.

§ 590.1004 *Formal advertising.* Unless within the authorizations set forth in Part 402 of this title and Part 592 of this subchapter, or unless authorized by law, all construction contracts shall be entered into after formal advertising on a lump sum or unit price basis.

16. In § 590.201, paragraph (h) is revised to read as follows:

§591.201 *Preparation of forms.* * * *

(h) *Increase or decrease in specified quantity.* When it is considered necessary, in the interest of the Government, to provide for an increase or decrease in the quantity specified in the invitation, at the option of the Government, the maximum percentage of such increase or decrease shall be specified by the contracting officer in the invitation. (See also § 592.158 of this subchapter.)

* * * * *

17. Section 591.251 is rescinded and the following substituted therefor:

§ 591.251 *Distribution of invitation for bids.* In addition to the distribution of invitations for bids to prospective bidders referred to in §401.202–1 of this title and § 591.202–1, the following distribution shall be made.

(a) *Procurement Information Center* One copy of every unclassified invitation for bids and one copy of every amendment to an unclassified invitation for bids shall be sent on the date issued directly to the "Procurement Information Center, Office of the Assistant Secretary of the Army (Materiel) Old Post Office Building, Twelfth Street and Pennsylvania Avenue NW., Washington 25, D. C.

Letters of transmittal are not necessary. If an invitation is cancelled or is substantially changed by the issuance of an amendment which affects specifications, quantity requirements, delivery schedules, qualification of bidders, etc., a complete summary of the reasons for such cancellation or change will be furnished with the copy of the amendment forwarded to the Procurement Information Center. This statement should be detachable from the amendment.

(b) *Equal or identical bids.* See § 591.406–4 (b) for distribution of copies of invitations for bids in connection with the procedure on the submission of information on equal or identical bids.

(c) *Classified purchases.* See Part 505 of this chapter for instructions as to the distribution of classified documents. In such cases, instead of the action indicated in paragraph (a) of this section, a letter will be forwarded to the office named therein, in substance as follows: This office has issued invitation for bids No. ____, dated ____, bids to be opened on _____, under Top Secret, Secret, Confidential, or Restricted Project No. _____.

(d) *Other internal distribution.* Heads of Procuring Activities may direct such additional internal distribution of invitations for bids as may be considered necessary.

18. In § 591.450 paragraph (c) is revoked and the following substituted therefor:

§ 591.450 *Distribution of bids and abstracts.* * * *

(c) *Procurement Information Center* (1) Within 3 days after bids have been opened and final action taken thereon, a copy of the abstract of bids will be mailed to the Procurement Information Center, Office of the Assistant Secretary of the Army (Materiel) Old Post Office Building, Twelfth Street and Pennsylvania Avenue NW., Washington 25, D. C.

(2) If it is decided to cancel an invitation before the opening of bids, the Procurement Information Center will be advised of the cancellation by letter, amendment to the invitation, or telegram.

(3) If all bids received are rejected, a complete summary of the reasons for such rejection will be furnished with the copy of the abstract of bids forwarded to the Procurement Information Center. This statement will be detachable from the abstract of bids.

(4) In addition, each abstract of bids forwarded to the Procurement Information Center will contain (i) the date of final action in making the award, and (ii) the purchase order or contract number and date resulting from the advertisement.

(5) A postcard delay notice containing the invitation number, opening date, and estimated time delay in final award shall be forwarded to the Procurement Information Center when the purchasing office is certain an award will not be made within 60 days of the opening date.

* * * * *

19. Section 591.504 is revoked and the following substituted therefor:

§ 591.504 *Qualified Products Lists.* Military Qualified Products Lists for items covered by Military Specifications containing qualification testing requirements will be subject to the provisions in Subpart E of Part 401 of this title, Military Manual for Qualified Products Lists, except that in the case of Military Qualified Products Lists for products covered by Limited Coordination Military Specifications the following will apply:

(a) *Maintenance, reproduction and distribution of lists.* The Standards Branch, Assistant Chief of Staff, G–4, Department of the Army will maintain a file of approved Military Qualified Products Lists for reference and informational purposes. The reproduction and distribution of Military Qualified Products Lists for Military Specifications, including changes hereto, will be made by the activity having custodianship of the specification concerned. Lists of products, amendments or revisions shall not be distributed until approval has been obtained from the Assistant Chief of Staff, G–4, Chief, Standards Branch.

(b) *Approval of lists.* The custodian technical service of a Limited Coordination Military Specification containing qualification testing requirements will forward duplicate copies of proposed lists of those products which have been tested and found to meet the qualification requirements of the applicable specifications and amendments or revisions thereof to the Assistant Chief of Staff, G–4, Attn: Chief, Standards Branch, for approval.

(R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup., 151–161)

20. In § 592.101, paragraph (a) is amended by adding the following sentence at the end thereof.

§ 592.101 *Negotiation as distinguished from formal advertising*—(a) *Competition.* * * * Competition is not necessary in contracting for personal or professional services.

* * * * *

21. Section 592.150 is amended by changing the first sentence of paragraph (a) to read as follows:

§ 592.150 *Release of price information and notification to unsuccessful suppliers.* (a) In the case of all unclassified negotiated contracts, the purchasing office will notify unsuccessful suppliers who submitted quotations of the fact that their proposals were not accepted and extend the appreciation of the purchasing office for the interest the unsuccessful supplier has shown in submitting a proposal or quotation except in procurements of $1,000 or less. * * *

22. A new §592.158 is added as follows:

§ 592.158 *Increase or decrease in specified quantity.* Negotiated contracts may contain a clause providing for increases or decreases in the quantities specified in the contracts at the option of the Government. The maximum percentage of such increases or decreases will be subject to negotiation.

23. In § 592.201–2 paragraph (e) is revoked and paragraph (d) is amended as follows:

§ 592.201–2 *Application.* * * *

(d) Requests for approval of awards of contracts negotiated pursuant to the authority of this paragraph, will be in writing, and will contain among other required information, a complete and detailed statement justifying the use of negotiation. Approvals of awards shall be in writing and shall be considered to include the approval of the use of negotiation as well as approval of the award. Where a Contracting Officer is authorized to enter into a contract without further approval of higher authority, a complete and detailed written statement justifying the use of negotiation will be prepared by the Contracting Officer and retained in the contract file. In those cases where the authority to negotiate is obvious from the nature of the items procured, the amount of the procurement or the place of contracting or performance (purchases not in excess of $1,000, medicines or medical supplies, authorized resale, perishable subsistence, purchases outside the United States, and classified purchases) a simple statement to that effect may be placed in the Schedule or other convenient portion of the contract or purchase order.

* * * * *

24. Section 592.408–1 is revoked and the following substituted therefor:

§ 592.408–1 *Approval requirement.* Letter contracts, or any other type of preliminary contract, will not be used without prior approval of the Assistant Chief of Staff, G–4, Department of the Army (Chief, Purchases Branch) except that, subject to limitations imposed by § 592.408–4, heads and acting heads of technical services are authorized to issue letter contracts as indicated below. The Chief and Acting Chief of Agency Staff, Armed Services Textile and Apparel Procurement Agency, are hereby granted the same authority as is granted to the heads and acting heads of technical services by paragraphs (a) and (b) of this section. See also in this connection, paragraph (b) (2) of § 590.604–5 of this subchapter.

(a) *Letter contracts for other than research and development.* Heads and acting heads of technical services are authorized to issue letter contracts for other than research and development in amounts not to exceed $2,500,000 when the total estimated definitive contract amount is $5,000,000. When the total estimated amount of the definitive contract is less than $5,000,000 the maximum amount of any letter contract which the heads of technical services may authorize is 50 percent of such total estimated definitive contract amount. When the total estimated definitive contract amount of any procurement exceeds $5,000,000, or it is desired to award a letter contract for an amount in excess of 50 percent of the total estimated amount of the definitive contract, irrespective of such total, prior approval of the Assistant Chief of Staff, G–4, Department of the Army (Chief, Purchases Branch), is required before issuance of

the letter contract. (For instructions as to information to be furnished in requesting authority to issue letter contracts as herein specified, see § 592.408–5.)

(b) *Letter contracts for research and development.* Heads and acting heads of technical services are authorized to issue letter contracts for research and development within the scope of an authorized research and development project in amounts not to exceed $125,000 when the total estimated definitive contract is $250,000. When the total estimated amount of the definitive contract is less than $250,000, the maximum amount of any letter contract which the heads of technical services may authorize is 50 percent of such total estimated definitive contract amount. When the total estimated definitive contract amount of any procurement exceeds $250,000, or it is desired to award a letter contract for an amount in excess of 50 percent of the total estimated amount of the definitive contract, irrespective of such total, prior approval of the Assistant Chief of Staff, G–4, Department of the Army (Chief, Purchases Branch) is required before issuance of the letter contract. (For instructions as to information to be furnished in requesting authority to issue letter contracts as herein specified, see § 592.408–5)

(R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup., 151–161)

25. In § 594.102, paragraph (b) is revised to read as follows:

§ 594.102 *Orders under contracts of Federal Supply Service.* * * *

(b) All orders issued under contracts of the Federal Supply Service will be effected by "delivery orders."

* * * * *

26. In § 594.254, paragraph (b) is amended by changing the size of Item No. 111 to read as follows: "2½ by 4¼ inches, Kraft, open end."

(R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup., 151–161)

27. Section 596.103–15 is revoked.

28. Section 596.104–10 is revoked and the following substituted therefor.

§ 596.104–10 *Renegotiation Act of 1951.* (a) Reference is made to § 406.104–10 (b) (6) of this title. The Renegotiation Board has in § 1453.5 of Chapter XIV of this title (Renegotiation Board regulations) made certain determinations relative to this subject. Any such determinations relating to activities of procuring activities will be appropriately implemented.

(b) Reference is made to § 406.104–10 (c) of this title. The Renegotiation Board has in Part 1455 of this title (the Renegotiation Board regulations) promulgated certain permissive exemptions form renegotiation under the Renegotiation Act of 1951. Any such permissive exemption, as amended from time to time, relating to activities of procuring activities will be appropriately implemented.

29. A new § 596.104–15 is added as follows:

§ 596.104–15 *Examination of records clause in utility services contracts.* Contracts or purchase orders for public utility services are exempted from compliance with the requirements of § 406.104–15 of this title when such contracts are at rates not in excess of those established for uniform applicability to the general public, or at such rates plus reasonable connection charges incident to such services.

30. In § 596.501–1 paragraph (b) is revoked and the following substituted therefor:

§ 596.501–1 *Contract clauses.* * * *

(b) *Short forms.* Where, as in the case of the short contract forms, for example, DA AGO Form 383 and DA Form 357, the forms themselves contain shorter or modified versions of contract clauses, the use of the shorter or modified versions is authorized notwithstanding the provisions of the preceding parts of this Procedure.

31. Section 596.502 is amended in order to delete the following items from the list of forms set forth therein.

Purchase Order	596.513
Delivery Order	596.515
Contract for Movement of Household Goods and Effects	596.565

32. A new § 596.502–2 is added as follows:

§ 596.502–2 *Incorporation by reference of general provisions (U. S. Standard Form 32).* To facilitate biddings by prospective bidders on formally advertised invitations for bids and requests for proposals, and to eliminate unnecessary distribution of Standard Form 32 (General Provisions (Supply Contract)) and other general provisions normally incorporated into the contracts entered into by the particular purchasing office, Heads of Procuring Activities may authorize the incorporation by reference of Standard Form 32 and such other general provisions as are determined to be desirable and appropriate in invitations for bids and requests for proposals in accordance with the procedure outlined in paragraphs (a) to (e) of this section.

(a) The Standard Form 32 and additional general provisions as determined appropriate may be combined in a single booklet. Such booklet must be identified as Standard Supply Contract Provisions and show the agency responsible for its issuance, the effective date, and the date of latest revision as it is revised from time to time. The provisions of Standard Form 32 incorporated in the booklet must be properly identified as such and printed as a unit. As an alternative, copies of Standard Form 32 may be requisitioned and bound with or attached to additional general provisions authorized by the Head of the Procuring Activity.

(b) The word "Attached" will be deleted from the face sheet of Invitations for Bids and Requests for Proposals, and the attached schedule or continuation sheet will contain a statement to the effect that "Standard Contract Provisions (properly identified by title and date) receipt of a copy of which is acknowledged by the bidder, are incorporated herein and made a part hereof with such deletions, additions, and amendments, if any, as are set forth below." Copies of the "Standard Supply Contract Provisions" will not be distributed to all prospective bidders on the agency's mailing list. Instead, one copy will be furnished to each prospective bidder each time such bidder is invited to bid on a particular procurement.

(c) Appropriate steps will be taken to insure proper distribution of the general provisions to all Government agencies and activities concerned with the performance and payment of contracts to which the provisions apply. Once such distribution has been made, no additional copies need be furnished to such agencies and activities, unless specifically requested, until such time as the general provisions are revised.

(d) This procedure is proper for use in formally advertised contracts, requests for proposals, negotiated contracts, and purchase orders.

(e) General provisions developed or approved by the Head of a Procuring Activity may be modified from time to time to increase or limit their scope as determined to be necessary or desirable provided that the requirements of this section are met and provided that any modifications do not deviate from the policies set forth in Subchapter A, Chapter IV of this title and Subchapter G of this chapter.

33. In § 596.503 paragraph (a) is amended as follows:

§ 596.503 *Supply Contract—Formal Advertising (Long Form) (U. S. Standard Forms 26, 30, 31, 32, and 1036)* (a) This form of contract consists of U. S. Standard Form 26 (Award), U. S. Standard Form 30 (Invitation and Bid), U. S. Standard Form 31 (Schedule) and U. S. Standard Form 32 (General Provisions) U. S. Standard Form 36 (Continuation Sheet) will be used to provide additional space if U. S. Standard Form 26 (Award) does not provide sufficient space. U. S. Standard Form 1036 (Statement and Certificate of Award) is also required to be executed in connection with formally advertised contracts. See §§ 591.405 (c) (3) 591.406–5 (a) and 591.450 (d) of this subchapter. As to incorporation by reference of U. S. Standard Form 32 (General Provisions), see § 596.502–2.

* * * * *

34. Section 596.504 is amended by adding a sentence at the end of paragraph (b) as follows:

§ 596.504 *Supply Contract; Negotiated (Long Form) (DD Form 351)* * * *

(b) * * * As to incorporation by reference of U. S. Standard Form 32 (General Provisions) see § 596.502–2.

* * * * *

35. In § 596.511, paragraph (a) is amended as follows:

§ 596.511 *Supply Contract; Formal Advertising (Short Form) (U. S. Standard Forms 33, 32, and 1036)* (a) This form of contract consists of U. S. Standard Form 33 (Invitation, Bid, and Award) and U. S. Standard Form 32

(General Provisions) U. S. Standard Form 36 (Continuation Sheet) will be used to provide additional space if the award portion of U. S. Standard Form 33 is not sufficient. U. S. Standard Form 1036 (Statement and Certificate of Award) is also required to be executed in connection with formally advertised contracts. See §§ 591.405 (c) (3) 591.406–5 (a) and 591.450 (d) of this subchapter. As to the incorporation by reference of U. S. Standard Form 32 (General Provisions) see § 596.502–2.

* * * * *

36. Section 596.513 is revoked.

37. Section 596.514 is amended by adding a sentence at the end of paragraph (a) as follows:

§ 596.514 *Government's Order and Contractor's Acceptance (WD Form 47)* (a) * * * As to incorporation by reference of U. S. Standard Form 32 (General Provisions) see § 596.502–2.

* * * * *

38. Sections 596.515 and 596.515–1 are revoked.

39. In § 596.531–1 paragraph (b) of Article 7 is amended as follows:

§ 596.531–1 *Sample of form.* * * *

7. *Payments to contractors.* * * *

(b) In making such progress payments there shall be retained 10 percent on the estimated amount until final completion and acceptance of all work covered by the contract: *Provided, however,* That the contracting officer, at any time after 50 percent of the work has been completed, if he finds that satisfactory progress is being made, may make any of the remaining progress payments in full: *Provided, further,* That if the contracting officer determines that the work is substantially complete and that the amount of retained percentage is in excess of the amount considered by him to be adequate for the protection of the Government, he may at his discretion release to the contractor such excess amount; *And provided, further,* That on completion and acceptance of each separate building, vessel, public work, or other division of the contract, on which the price is stated separately in the contract, payment may be made in full, including retained percentages thereon, less authorized deductions.

* * * * *

40. In § 596.561, paragraph (a) is amended as follows:

§ 596.561 *Negotiated Utility Service Contract (Short Form)* (a) This form consists of DD Form 671. Instructions for its use are set forth in SR 420–470–2 (Special Regulations governing utility contracts)

* * * * *

(R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C Sup., 151–161)

41. In § 601.503 (c) subparagraph (2) is amended as follows:

§ 601.503 *Department of Labor regulations.* * * *

(c) *Submission of weekly affidavits and the preservation and inspection of weekly payroll records.* * * *

(2) After such examination and check as may be made such affidavit shall be retained in accordance with § 411.503 of this title. Should there be a violation, a copy of the affidavit and a report shall be transmitted to the U. S. Department of Labor, Washington 25, D. C.

* * * * *

42. In § 601.603, paragraph (a) is amended as follows:

§ 601.603 *Responsibilities of Contracting Officers*—(a) *Publications to be furnished Contracting Officers.* The Secretary of Labor has published a document entitled "Walsh-Healey Public Contracts Acts, Rulings and Interpretations No. 3, October 1, 1945." This publication, as amended, contains a compilation of the text of the act, the regulations of the Secretary of Labor relating thereto, and pertinent rulings and interpretations. Amendments to this document are published from time to time. The Heads of the Procuring Activities are responsible for furnishing these publications to each of their Contracting Officers and will obtain necessary quantities by addressing requests direct to the U. S. Department of Labor, Wage and Hour and Public Contracts Divisions, Washington 25, D. C.

* * * * *

43. In § 601.654, paragraph (b) is amended as follows:

§ 601.654 *Lists of disqualified persons and firms.* * * *

(b) These lists are prepared and issued, from time to time, by the Office of the Assistant Secretary of the Army (Materiel) (Assistant Judge Advocate General) for the use and guidance of all interested agencies of the Department of the Army (§ 590.303 (d) of this subchapter).

(R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup., 151–161)

44. A new Subpart L, including §§ 601.1250, 601.1251 and 601.1252, is added as follows:

SUBPART L—PROCUREMENT OF STEVEDORING SERVICES DURING LABOR DISPUTES

Sec.
601.1250 Basic policy.
601.1251 Procedure.
601.1252 Reports.

AUTHORITY: §§ 601.1250 to 601.1252 issued under R. S. 161; 5 U. S. C. 22.. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup., 151–161.

§ 601.1250 *Basic policy.* It is the policy of the Department of the Army to procure stevedore services by contract with commercial stevedoring firms except where military considerations make it evident that the best interests of the Government will be served by the employment of direct-hire Civil Service workers.

§ 601.1251. *Procedure.* Wherever stevedoring services are furnished by contractors to an Army installation and the performance under the contract, although urgently required, is delayed through a labor dispute, the following will govern:

(a) Attempt will first be made to have management and labor voluntarily agree to exempt military supplies from the labor dispute by continuing the movement of such material.

(b) If a voluntary arrangement cannot be obtained and diversion of the vessel to another port is impracticable, then the command will consider contracting with reliable alternative sources of supply within the stevedoring industry.

(c) To the extent stevedoring services cannot be secured by the method of alternate contractors described in paragraph (b) of this section then Civil Service stevedores will be utilized to perform the work hitherto performed by contract stevedores.

(d) To the extent that methods prescribed in paragraphs (a) (b) and (c) of this section are unsuccessful, then the command will utilize military personnel to handle the cargo which was being handled by contract stevedores prior to the labor dispute. To the maximum extent possible, the use of military personnel will be avoided and such personnel will only be used as a last resort.

§ 601.1252 *Reports.* Where the exigencies of a situation require deviations from the policies outlined above, the command concerned will submit a prompt report of the action taken, with justification therefor, through channels to the Assistant Secretary of the Army (Materiel), Attn: Office of the Labor Adviser.

45. In § 602.550, paragraph (a) of Government-furnished property clause is amended as follows:

§ 602.550 *Government-furnished property clause for fixed-price construction contracts.* * * *

[1] (a) The Government shall deliver to the contractor, for the use in connection with and under terms of this contract, the property which the schedule or the specifications state the Government will furnish (hereinafter referred to as "Government-furnished property"). The completion date of this contract is based upon the expectation that Government-furnished property of a type suitable for use will be delivered to the contractor at the times stated in the schedule or if not so stated in sufficient time to enable the contractor to meet such completion date. In the event that Government-furnished property is not delivered to the contractor by such time or times, the Contracting Officer shall, if requested by the contractor, make a determination of the delay occasioned the contractor thereby, and shall grant to the contractor a reasonable extension of time for completion of performance hereunder. The Government shall not be liable to the contractor for damages or loss of profit by reason of any delay in delivery of or failure to deliver any or all of the Government-furnished property, except that in case of such delay or failure, upon the written request of the contractor, an equitable adjustment shall be made in the completion date of this contract, or price, or both, and in any other contractual provision affected thereby, in accordance with the procedures provided for in the clause of this contract entitled "Changes."

[Alternative [1]] (a) The Government shall deliver the contractor, for use in connection with and under the terms of this contract, the property which the schedule or the specifications state the Government will furnish (hereinafter referred to as "Government-furnished property"). The completion date of this contract is based upon the expectation that Government-furnished property of a type suitable for use will be delivered to the contractor at the times stated in the schedule or if not so stated in sufficient time to enable the contractor to meet such completion date. In the event

that Government-furnished property is not delivered to the contractor by such time or times, the Contracting Officer shall, if requested by the contractor, make a determination of the delay occasioned the contractor thereby, and shall grant to the contractor a reasonable extension of time for completion of performance hereunder.

[1] Delete paragraph (a) not used. If alternative paragraph (a) is used, delete "[Alternative]" from such clause.

* * * * *

46. In § 602.805 paragraph (b) is amended as follows:

§ 602.805 *General.* * * *

(b) In connection with the approval of the contractor's control records and procedures the Contract Administrator will require that all documents or types of documents run in one or more unbroken series and that all unused or destroyed numbers are accounted for or that equivalent controls exist which will assure that all documents pertinent to any single contract are considered in the property record of that contract.

* * * * *

[Proc. Cir. 18, July 19, 1953; Proc. Cir. 19, July 17, 1953; Proc. Cir. 20, August 7, 1953; APP changes No. 10, May 15, 1953] (R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup., 151–161)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 53-7927; Filed, Sept. 11, 1953; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 18—INDUSTRIAL, SCIENTIFIC, AND MEDICAL SERVICE

RECAPITULATION OF PART

Pursuant to authority contained in sections 4 (i) 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and paragraph F-6 of the Commission's Order Defining the Functions and Establishing the Organizational Structure of the Office of the Secretary, dated February 14, 1952, as amended, the following editorial changes are made in Part 18, Industrial, Scientific, and Medical Service:

1. In § 18.1, footnote 1, second paragraph, second line, "used" is changed to "based"

2. In § 18.11 (a) last two sentences (following table of frequencies) are deleted.

3. In § 18.12 (c) second line, "(c)" is changed to "(b)"

4. In § 18.21, title changed to read *"Operation within assigned frequency bands."*

5. In § 18.21 (d) text is deleted beginning with the italicized word *"Provided"*

In view of the fact that the amendments adopted herein are editorial in nature, prior publication of Notice of Proposed Rule Making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments are effective immediately. It is noted that since Part 18 was last published in the FEDERAL REGISTER (April 14, 1950) a large number of amendments have been made to the provisions therein. Accordingly, for administrative convenience, *It is ordered,* This 4th day of September 1953, that effective immediately, Part 18 of the Commission's rules and regulations is revised to include the foregoing editorial changes and all outstanding amendments.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

GENERAL

Sec.
18.1 Statement of basis and purpose.
18.2 Definitions.
18.3 When license is required.
18.4 Full information; inspection by Commission representatives.

OPERATION WITHOUT A LICENSE; MEDICAL DIATHERMY EQUIPMENT

18.11 Operation within assigned frequency bands.
18.12 Operation outside of assigned frequency bands.
18.13 Measurement of field intensity.
18.14 Submission of equipment for type approval tests.
18.15 Effect of certificate of type approval.
18.16 Withdrawal of certificate of type approval.
18.17 Interference from equipment operated in accordance with §§ 18.11 and 18.12.

OPERATION WITHOUT A LICENSE; INDUSTRIAL HEATING EQUIPMENT

18.21 Operation within assigned frequency bands.
18.22 Operation outside of assigned frequency bands.
18.23 Measurement of field intensity.
18.24 Interference from equipment operated in accordance with §§ 18.21 or 18.22.

OPERATION WITHOUT A LICENSE; MISCELLANEOUS EQUIPMENT

18.31 Miscellaneous equipment.
18.32 Interference from equipment operated in accordance with § 18.31.

OPERATION FOR WHICH A LICENSE IS REQUIRED

18.41 When a license is required.
18.42 Showing required.
18.43 Applications for station licenses.
18.44 Full information.
18.45 License period.
18.46 Renewal of license.
18.47 Station license, posting of.
18.48 Operator requirements.
18.49 Cessation of operation pursuant to license.
18.51 Existing equipment.

Appendix A. Public notice and order, adopted by the Commission December 26, 1946, in Docket No. 7858.

AUTHORITY: §§ 18.1 to 18.51 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 48 Stat. 1081, 1082, as amended; 47 U. S. C. 301, 303.

GENERAL

§ 18.1 *Statement of basis and purpose.* (a) Section 301 of the Communications Act of 1934, as amended, provides for the control by the Federal Government over all the channels of interstate and foreign radio communication and further provides, in part, that no person shall use or operate apparatus for the transmission of energy, communications, or signals by radio when the effects of such operation extend beyond state lines or cause interference with the transmission or reception of energy, communications, or signals, of any interstate or foreign character by radio, except under and in accordance with the Communications Act and a license granted under the provisions of that act. The operation in the industrial, scientific and medical service of medical diathermy equipment, industrial heating equipment and miscellaneous equipment of a type which emits radio frequency energy upon frequencies within the radio spectrum constitutes a serious source of interference to authorized radio communication services operating upon the channels of interstate and foreign communication unless precautions are taken which will prevent the creation of any substantial amount of such interference.[1]

(b) The following rules and regulations are designed to have a twofold effect:

(1) They set forth the conditions under which the operation of the equipment in question is not regarded as a cause of interference to the authorized radio communication services and is therefore not required to be operated pursuant to license under the Communications Act.

(2) They provide a procedure for the licensing of medical diathermy, industrial heating and miscellaneous equipment which in operation constitute a source of interference to authorized communication services, directly affect the control of the Federal Government over the channels of interstate and foreign radio communication, and are therefore required to be licensed.

[1] The effective date of Part 18 with respect to electric arc welding devices using radio frequency energy is suspended from January 31, 1952, until January 31, 1954: *Provided, however* That equipment manufactured after September 1, 1952, shall be subject to the same technical limitations and standards as are set forth for industrial heating equipment in §§ 18.21 to 18.24, inclusive, except that such equipment need not be operated within a shielded room or space but in lieu thereof shall be operated with sufficient shielding to limit the radiation to the value prescribed in § 18.22: *And further provided,* That broad band types of emissions from arc welding equipment shall be measured by an instrument having performance characteristics similar to the "Proposed American Standard Specification for a Radio Noise Meter—0.15 to 25 Megacycles/Second" dated March 1950, published by the American Standards Association Committee on Radio Electrical Coordination C63. Quasi-peak values of field intensity shall be measured and used in determining compliance with §§ 18.21 (b) and 18.22 (a). Instruments not having characteristics similar to the abovementioned standards may be used provided suitable correlation factors are used to adjust the field intensity readings to values which would be obtained with an instrument having the desired characteristics.

The certification required by § 18.22 may be based upon field intensity measurements made by the manufacturer of the equipment at locations other than the one where the equipment is in use provided such certification includes a statement by the operator of the equipment that the equipment covered thereby has been installed and is being operated in conformity to the instructions issued by the manufacturer.

§ 18.2 *Definitions.* For purposes of the provisions of this part the following definitions in the industrial, scientific, and medical service shall be applicable:

(a) "Radio frequency energy" shall include electromagnetic energy generated at any frequency in the radio spectrum between 10 kilocycles and 30,000 megacycles.

(b) "Medical diathermy equipment" shall include any apparatus (other than surgical diathermy apparatus designed for intermittent operation with low power) which utilizes a radio frequency oscillator or any other type of radio frequency generator and transmits radio frequency energy used for therapeutic purposes.

(c) "Industrial heating equipment" shall include any apparatus which utilizes a radio frequency oscillator or any other type of radio frequency generator and transmits radio frequency energy used for or in connection with industrial heating operations utilized in a manufacturing or production process.

(d) "Miscellaneous equipment" shall include apparatus other than that defined in or excepted in paragraphs (b) and (c) of this section which uses radio-frequency energy for heating, ionization of gases, or other purposes in which the action of the energy emitted is directly upon the work load and does not involve the use of associated radio receiving equipment.

§ 18.3 *When license is required.* Any medical diathermy equipment, industrial heating equipment or miscellaneous equipment which complies with the provisions of §§ 18.11 to 18.17, inclusive, 18.21 to 18.24, inclusive, or 18.31 for operation without a license may be operated without a station license. A license is required for any such equipment operated otherwise.

§ 18.4 *Full information; inspection by Commission representatives.* Upon request by the Commission the owner or operator of any medical diathermy equipment, industrial heating equipment, or miscellaneous equipment shall promptly furnish the Commission with such information as may be requested concerning the operation of such equipment. The premises in which medical diathermy, industrial heating, or miscellaneous equipment are operated, and any license or certification required hereby, shall be available for inspection by representatives of the Commission at all reasonable hours.

OPERATION WITHOUT A LICENSE; MEDICAL DIATHERMY EQUIPMENT

§ 18.11 *Operation within assigned frequency bands.* A station license is not required for the operation of medical diathermy equipment within assigned frequency bands provided such operation meets the following conditions:

(a) Such operation must conform to the general conditions of operation set out in the guarantee or certificate required by paragraphs (c) and (d) of this section. Operation must be confined to one or more of the bands or frequencies hereafter set forth:

Assigned band [1]	Center frequency of channel (kc.)	Tolerance from center frequency (kc.)
13,553.22-13,560.78 kc.	13,560	±6.78
26,960.00-27,280.00 kc.	27,120	±160.00
40,660.00-40,700.00 kc.	40,680	±20.00

[1] By public notice and order dated December 26, 1946, the Commission also announced the availability of the frequency 2450 Mc. ±50 Mc. as being available for industrial, scientific and medical purposes. It was expressly stated in the said public notice and order that such use of the frequency 2450 Mc. would be governed by the conditions set forth in that order and set out as Appendix A hereto rather than Part 18 of the Commission's rules.

(b) Such operation may be without regard to the type or power of emissions being radiated. Spurious and harmonic radiations on frequencies other than those specified above shall be suppressed so that such radiations do not exceed a strength of 25 microvolts per meter at a distance of 1,000 feet or more from the medical diathermy equipment causing such radiations.

(c) With respect to equipment for which type approval has been received from the Commission in accordance with §§ 18.14 to 18.16, inclusive, there shall be affixed to each unit of equipment operated in accordance with paragraphs (a) and (b) of this section, or posted in the room in which such operation occurs, a dated certificate of a competent engineer, or a dated certificate or name plate of the manufacturer of the equipment, setting forth the F. C. C. type approval number for such equipment, the general conditions under which such equipment should be operated, and certifying that the equipment involved may reasonably be expected to meet the requirements of this section under the described conditions of operation for a period of at least three years. The certification required in this section shall describe with certainty the apparatus covered thereby.

(d) The owners or operators of equipment which has not received type approval but which is manufactured for operation without a license and designed to meet the technical requirements set forth under paragraphs (a) and (b) of this section shall have posted in the room in which such equipment is operated a dated certificate of a competent engineer, or a dated certificate or name plate of the manufacturer of the equipment, setting forth the general conditions under which such equipment should be operated and certifying that the equipment involved may reasonably be expected to meet the requirements of this section for a period of at least three years under the described conditions of operation. The certification required by this section shall describe with certainty the apparatus covered thereby, and shall include a brief statement of the engineering tests upon which such certification is based and the results thereof. Field intensity measurements in such tests shall be made in accordance with § 18.13.

(e) No regular renewal of certification is required for equipment covered in paragraph (c) of this section. The certification required in paragraph (d) of this section shall be renewed at intervals of three years. Notwithstanding the above provisions with respect to renewal of certification, the certification required by paragraph (c) or (d) of this section shall be renewed for particular equipment by such date as the Commission may specify if the Commission has reason to believe that the operation of such equipment may be inconsistent with provisions of this part or the source of interference to radio communication.

§ 18.12 *Operation outside of assigned frequency bands.* A station license is not required for the operation of medical diathermy equipment outside of the frequency bands specified in § 18.11 (a) provided such operation is in accordance with the general conditions of operation set out in the certification required in paragraph (b) of this section, and meets the following conditions:

(a) The equipment used in such operation shall be provided with a rectified and filtered plate power supply, power line filters and shall be provided with sufficient shielding so that the emission of radio frequency energy generated by such operation, including spurious and harmonic emissions, shall not exceed a strength of fifteen microvolts per meter at a distance of 1,000 feet or more from the medical diathermy equipment on frequencies other than those specified in § 18.11 (a) under any conditions of operation.

(b) There shall be affixed to each unit of equipment so operated, or posted in the room in which such operation occurs, a dated certification of a competent engineer, or a dated certificate or name plate of the manufacturer of the equipment setting forth the general conditions under which such equipment should be operated and certifying that under the described conditions of operation the requirements of this section may reasonably be expected to be met for a period of at least three years. The certification required by this section shall describe with certainty the equipment covered thereby, and shall include a brief statement of the engineering tests upon which the certification is based and the results thereof. Field intensity measurements in such tests shall be made in accordance with the provisions of § 18.13.

(c) The certification required in paragraph (b) of this section shall be renewed every three years: *Provided,* That such certification shall be renewed for particular equipment by such earlier date as the Commission may specify if the Commission has reason to believe that the operation of such equipment may be inconsistent with the provisions of this part or a source of interference to radio communication.

§ 18.13 *Measurement of field intensity.* Measurements to determine the field intensity of radio frequency energy generated by medical diathermy equipment shall be made in accordance with standard engineering procedures and shall include the following:

(a) An approved type of field intensity meter using loop pickup shall be used for measurements on frequencies below and including 18 Mc., and such a

meter with a doublet antenna shall be used for measurements for frequencies above 18 Mc. Appropriate techniques shall be resorted to for measurements in the microwave region of the spectrum.

(b) The field intensity at 1,000 feet from the medical diathermy equipment, or at any other point at which it becomes necessary to determine such intensity, shall be determined by measurements at approximately 100-foot intervals along 5 radials approximately 72° apart, provided that additional measurements shall be taken when necessary in particular cases. An average curve shall be drawn through the points obtained for each radial and then either (1) the field intensity at 1,000 feet taken from the curve or (2) the curve extended to the 1,000-foot point to obtain the field intensity at that point. If points of measurement along a radial are such that marked changes of field intensity over short distances are noted because of standing waves, multipaths, etc., continuous measurements shall be made along any such radial at points 100 feet apart in order to obtain average values for such points.

(c) The field intensities specified in this section refer to the maximum field intensity regardless of polarization, measured at a height of 12 feet above the immediate terrain or at such lower height at which the field intensity may exceed that at 12 feet.

(d) If due to the location of equipment in a large city, or for some other reason, measurements as outlined above are impractical because of shadows or shielding of large buildings or other objects, every effort should be made to obtain necessary measurements at clear locations such as atop adjacent buildings, etc., with the measurements corrected to the height specified in paragraph (c) of this section in accordance with best available engineering information.

§ 18.14 *Submission of equipment for type approval tests.*[2] (a) Manufacturers of medical diathermy equipment designed to operate within the frequency bands specified in § 18.11 (a) may submit units of such equipment to this Commission for type approval upon the grant of request therefor made in writing by the manufacturer to the Secretary of the Commission. Such a request will not be granted unless at least 5 units of the model to be submitted are scheduled for manufacture and the manufacturer agrees to bear all forwarding and return charges in connection with the shipment of the unit to be tested between the Federal Communications Commission, Laboratory Division, Laurel, Maryland, and the manufacturer.

(b) Any such equipment which is submitted will be tested and a certificate of type approval will be issued to the manufacturer for each type of equipment which meets the following tests:

(1) The frequency at all times during the tests below shall be within the middle 70% of the frequency bands specified in § 18.11 (a)

(i) From a cold start the machine will be operated continuously at full load for 6 hours, except that machines classified as portable will be subject to a 2 hour test.

(ii) From a cold start the machine will be operated at no load for 5 minutes and then the frequency deviation determined over a normal treatment cycle. A treatment cycle will be simulated by artificial varying loads and varying settings of the resonance and other operating controls. Similar treatment cycle tests will be conducted after periods of continuous full load operations up to six hours (2 hours for portable operation) to determine the maximum deviation. The number of such tests normally will be determined by the results of test (i) *Provided, however* That equipment designed to operate within the frequency bands set forth in § 18.11 (a) may be granted type approval regardless of frequency stability, provided such equipment meets the other requirements hereof and contains a power cut-off mechanism which is effective in rendering the machine inoperative when the deviation from the assigned center frequency exceeds 70% of the tolerance provided for.

(2) The equipment must be designed to prevent the emission of spurious and harmonic radiations to the extent required in § 18.11 (b)

(3) The electrical and mechanical components of the machine and their installation must be such as to give reasonable assurance of compliance with the requirements of permissible frequency tolerance for at least 5 years.

(4) In the case of withdrawal of a certificate of type approval as hereinafter provided for the manufacturer shall make no further sale of equipment under such certificate.

§ 18.15 *Effect of certificate of type approval.* A certificate of type approval constitutes a recognition that on the basis of the tests made the equipment appears to have the capability of functioning in accordance with the provisions of § 18.11 (a) and (b) provided such equipment is properly constructed, maintained and operated, and no change whatsoever is made in the construction of equipment sold under the Certificate of Type Approval issued by the Commission except on specific approval by the Commission to any changes made.

§ 18.16 *Withdrawal of certificate of type approval.* A certificate of type approval may be withdrawn if the type of equipment for which it was issued proves defective in service and under usual conditions of maintenance and operation such equipment cannot be relied on to meet the conditions set forth in this part for the operation of the type of equipment involved.

§ 18.17 *Interference from equipment operated in accordance with §§ 18.11 and 18.12.* In the event of interference to any authorized radio service caused by the equipment operated in accordance with the provisions of §§ 18.11 and 18.12, such steps as may be necessary to remedy such interference condition shall promptly be taken.[3]

OPERATION WITHOUT A LICENSE; INDUSTRIAL HEATING EQUIPMENT

§ 18.21 *Operation within assigned frequency bands.* A station license is not required for the operation of industrial heating equipment within assigned frequency bands provided such operation meets the following conditions.

(a) In accordance with the general conditions of operation set out in the certification required by paragraph (c) of this section, such operation shall be confined to one or more of the following bands of frequencies:

Assigned band[1]	Center frequency of channel (kc.)	Tolerance from center frequency (kc.)
13,553.22-13,566.78 kc.	13,560	±0.78
26,960.00-27,280.00 kc.	27,120	±160.00
40,660.00-40,700.00 kc.	40,680	±20.00

[1] By public notice and order dated December 26, 1946, the Commission also announced the availability of the frequency 2450 Mc.±50 Mc. as being available for industrial, scientific and medical purposes. It was expressly stated in the said public notice and order that such use of the frequency 2450 Mc. would be governed by the conditions set forth in that order and set out as Appendix A hereto rather than Part 18 of the Commission's rules.

The operation of any industrial heating equipment or device on frequencies other than those listed hereinabove shall be discontinued after the effective date of the Atlantic City Radio Regulations if interference be caused to any authorized services. However, in any event, operation of such devices on frequencies other than those listed above shall be discontinued after June 30, 1952, except as provided by § 18.22.

(b) Such operation may be without regard to the type or power of emissions being radiated. However, spurious and harmonic radiations shall be suppressed so that such radiations do not exceed a strength of 10 microvolts per meter at a distance of one mile or more from the radiating equipment. Filtering between the radiating equipment and power lines must be provided to the extent necessary to prevent the radiation of energy from power lines on frequencies outside of the assigned bands with a strength in excess of 10 microvolts per meter at a distance of one mile or more from the industrial heating equipment, when measured at a distance of 50 feet from the power line.

[2] By public notice and order dated December 26, 1946, the Commission also announced the availability of the frequency 2450 Mc±50 Mc. as being available for industrial, scientific and medical purposes. It was expressly stated in the said public notice and order that such use of the frequency 2450 Mc. would be governed by the conditions set forth in that order and set out as Appendix A hereto rather than Part 18 of the Commission's rules.

Medical diathermy equipment operated on the frequency 2450 Mc. as indicated, *supra*, will be eligible for type approval upon a determination by the Laboratory Division of compliance with the requirements of the public notice and order referred to, *supra*.

[3] *Provided,* That: In cases of interference to receivers arising from direct intermediate frequency pickup by such receivers of the fundamental frequency emissions of type-approved or certified medical diathermy machines operating on prescribed fundamental frequencies and otherwise in accordance with § 18.11, this section shall not apply.

(c) There shall be affixed to each unit of equipment so operated, or posted in the room in which such operation occurs, a dated certificate of a duly qualified engineer, or a dated certificate or name plate of the manufacturer of the equipment, setting forth the general conditions under which such equipment should be operated, and certifying that the equipment involved may reasonably be expected to meet the requirements of this section under the described conditions of operation for a period of at least three years. The certification required by this section shall describe with certainty the apparatus covered thereby, and shall include a brief statement of the engineering tests upon which the certification is based and the results thereof. Field intensity measurements in such tests shall be made in accordance with the provisions of § 18.23.

(d) The certification required in paragraph (c) of this section shall be renewed for particular equipment, by such date as the Commission may specify if the Commission has reason to believe that the operation of such equipment may be inconsistent with the provisions of this part or the source of interference to radio communication.

§ 18.22 *Operation outside of assigned frequency bands.* A station license is not required for the operation of industrial heating equipment outside of the frequency bands specified in § 18.21 (a) provided such operation is in accordance with the general conditions of operation set out in the guarantee or certificate required in paragraph (b) of this section, and meets the following conditions:

(a) The equipment used in such operation shall be operated within a room or space with sufficient shielding and power line filtering so that the emissions of radiofrequency energy generated by such operation, including spurious and harmonic emissions will not exceed a strength of 10 microvolts per meter at a distance of one mile from the location of the industrial heating equipment as defined in paragraph (d) of this section on frequencies other than those specified in § 18.21 (a) *Provided however* That if the certification includes more than one machine, the distance of one mile shall be decreased by an amount equivalent to the radius of the circle encompassing the several units. The radiofrequency field from power lines due to radiofrequency energy originating with such equipment at distances beyond one mile must be less than 10 microvolts per meter when measured at one mile from the location of such equipment and 50 feet from the power line.

(b) There shall be affixed to each unit of equipment so operated or posted in the room or location in which such operation occurs, a dated certificate of a duly qualified engineer, or a dated certificate or name plate of the manufacturer of such equipment, setting forth the general conditions under which such equipment should be operated and certifying that the equipment involved may reasonably be expected to meet the requirements of this section under the described conditions of operation for at least three years. The certification required by this section shall describe with certainty the apparatus covered thereby, and shall include a brief statement of the engineering tests upon which the certification is based and the results thereof. Field intensity measurements in such tests shall be made in accordance with the provisions of § 18.23. It shall be the responsibility of the operator to have the equipment recertified when changes have been made that might increase the radiation beyond the specified limits.

(c) The certification required in paragraph (b) of this section shall be renewed for particular equipment by such date as the Commission may specify if the Commission has reason to believe that the operation of such equipment may be inconsistent with the provisions of this part or source of interference to radio communication.

(d) The location of the industrial heating equipment may be considered to be the actual physical location of such equipment or, where several such units are grouped within a circle of 500 feet radius or less, these several units may, at the election of the certifying engineer be considered as a single unit, the location of which will be the center of the smallest enclosing circle.

§ 18.23 *Measurement of field intensity.* Measurements to determine the field intensity of radiofrequency energy generated by industrial heating equipment shall be made in accordance with standard engineering procedures and shall include the following:

(a) An approved type of field intensity meter employing loop pickup shall be used for measurements on the frequencies of 18 Mc. and below, and such a meter with a doublet antenna shall be used for measurements on frequencies above 18 Mc. Appropriate techniques shall be resorted to for measurements in the micro-wave region of the spectrum.

(b) Prior to the determination of the maximum field intensity at 1 mile, a sufficient number of measurements shall be made in the vicinity of the industrial heating equipment to enable plotting of the polar radiation pattern and to assure the correct determination of the major lobes. Where conditions permit, these measurements shall be made at intervals of not more than 20 degrees in azimuth directions and at distances not exceeding 1,000 feet from the location of the equipment. The measurements so obtained shall be reduced to the equivalent field intensities at 1,000 feet.

(c) The field intensity measurements for the maximum field intensity at one mile shall be made along the radial corresponding to the lobe of maximum radiation as determined from the polar radiation pattern. Sufficient measurements shall be made along radials extending through all lobes which are within 15 db of the apparent maximum lobe, as determined in paragraph (b) of this section to assure that the assumed lobe of greatest field intensity is in fact the maximum lobe. If two or more lobes of radiation of approximately the same intensity are present, measurements to determine field intensity shall be made along the several radials for such lobes. Where possible, field intensity measurements shall be made along each radial at intervals of not greater than 500 feet and an average curve drawn for measured field intensity in microvolts per meter versus distance in feet. Where necessary, the average curve shall be extended to show the extrapolated field intensity at one mile. In those cases where it is impractical to conduct measurements along the radial of maximum radiation a sufficient number of field intensity measurements will be made to clearly indicate the magnitude of the radiation field in the sector containing the lobe of maximum radiation.

(d) Where there is evidence of radiation from power lines, field intensity measurements shall be made at not less than three points along the power line located approximately 1 mile from the location of the industrial heating equipment causing such radiation and to include a length of power line not less than 500 feet. One point of measurement shall lie within the 1-mile distance and the other beyond. At each of these points at least three measurements of field intensity shall be made along a line normal to the power line and out to a distance from the power line not exceeding 50 feet.

(e) The field intensities specified herein refer to the maximum field intensity, regardless of polarization, measured at a height of 12 feet above the immediate terrain or at such lower height at which the field intensity may exceed that at 12 feet.

§ 18.24 *Interference from equipment operated in accordance with §§ 18.21 or 18.22.* In the event of interference to any authorized radio service from equipment operated in accordance with the provisions of §§ 18.21 and 18.22, steps to remedy such interference condition shall promptly be taken.[4]

OPERATION WITHOUT A LICENSE; MISCELLANEOUS EQUIPMENT

§ 18.31 *Miscellaneous equipment.* (a) The operation without a license of miscellaneous equipment, as defined in § 18.2 (d), generating radio frequency power of 500 watts or less, shall be in compliance with the provisions of this part for medical diathermy apparatus.

(b) Operation of such equipment generating radiofrequency power in excess of 500 watts shall be in compliance with the requirements for medical diathermy apparatus except that the maximum radiated field permitted shall be increased as the square root of the ratio of the generated power to 500 watts: *Provided,* That the radiated field shall in no case exceed the fields permitted industrial heating apparatus: *And provided further* That equipment used in predominantly residential areas and operating on frequencies below 1,000 Mc. shall not be permitted the increase in field with power as indicated in this paragraph, but shall be subject to the restrictions contained in this paragraph for diathermy equipment.

[4] *Provided,* That, In cases of interference to receivers arising from direct intermediate frequency pickup by such receivers of the fundamental frequency emissions of certified industrial heating equipment operating on prescribed fundamental frequencies and otherwise in accordance with § 18.21, this section shall not apply.

(c) Miscellaneous equipment, as defined in § 18.2 (d), may be type approved under procedures similar to that for diathermy equipment with such changes in the above procedure as may be required because of the nature of the particular equipment involved.

(d) For the purpose of field intensity measurements, the location of the miscellaneous equipment may be considered to be the actual physical location of such equipment or, where several such units are grouped within a circle of 200 feet radius or less, the several units may, at the election of the certifying engineer, be considered as a single unit, the location of which will be the center of the smallest enclosing circle: *Provided, however,* That if the certification includes more than one unit, the distance of 1,000 feet at which the maximum permissible radiation is determined shall be decreased by an amount equivalent to the radius of the circle encompassing the several units.

(e) It shall be the responsibility of the operator to have the equipment recertified when changes have been made that might increase the radiation beyond the specified limits.

§ 18.32 *Interference from equipment operated in accordance with § 18.31.* In the event of interference to any authorized radio services caused by equipment operated in accordance with § 18.31, steps to remedy such interference conditions shall be taken promptly.[5]

OPERATION FOR WHICH A LICENSE IS REQUIRED

§ 18.41 *When a license is required.* (a) No medical diathermy equipment, industrial heating equipment or miscellaneous equipment which does not comply with §§ 18.11, to 18.17, inclusive, or 18.21 to 18.31, inclusive, shall be operated except pursuant to a station license issued by the Commission authorizing such operation.

(b) Whenever the Commission on complaint or on its own motion determines that medical diathermy equipment, industrial heating equipment or miscellaneous equipment is not in fact operating in compliance with the provisions of §§ 18.11 to 18.17, inclusive, or 18.21 to 18.31, inclusive, and so advises the operator of such equipment, further operation of such equipment without a station license shall be unlawful unless within 10 days of the receipt of such notice, or within such further time as the Commission may for good cause allow, the operator of such equipment shall file with the Commission a certificate of a competent engineer stating that the equipment is now capable of complying with the requirements of the rules.

§ 18.42 *Showing required.* A station license for the operation of medical diathermy equipment, industrial heating equipment or miscellaneous equipment will be granted upon proper application therefor in accordance with the provisions of this part and a showing that in the light of the following considerations the public interest, convenience, and necessity would be served by such a grant: (a) The purpose for which the equipment sought to be licensed will be used; (b) the reasons why the equipment involved may not be operated in compliance with the provisions of this part for the operation of such equipment without a license; and (c) the nature and extent of interference that may be caused to authorized communication services by the operation of such equipment.

§ 18.43 *Applications for station licenses.* Each applicant for a station license authorizing the operation of medical diathermy, industrial heating equipment, or miscellaneous equipment, or requesting the modification or renewal of such a license, shall file with the Commission in Washington, D. C., three copies of each application on the appropriate form designated by the Commission and a like number of any exhibits and other papers incorporated therein and made a part thereof. Only the original copy need be sworn to. Application for a license shall be made up on the appropriate form prescribed by the Commission, and separate application should be made for each unit of equipment for which a license is sought. Application for modification or renewal of a license shall also be upon appropriate form prescribed by the Commission.

§ 18.44 *Full information.* Each application for a license authorizing the operating of medical diathermy, industrial heating equipment or miscellaneout equipment shall contain full and complete information concerning all matters and things required to be disclosed by the application form.

§ 18.45 *License period.* Each station license authorizing the operation of medical diathermy, industrial equipment or miscellaneous equipment will expire at the hour of 3 a. m. and will be issued for a normal license period of five years or such other period as the Commission may specify upon consideration of the facts in a particular case. Each such license shall be nontransferable.

§ 18.46 *Renewal of license.* Unless otherwise directed or permitted by the Commission, applications for renewal of a station license for the operation of medical diathermy, industrial heating equipment or miscellaneous equipment shall be filed with the Commission upon prescribed forms at least 60 days prior to the expiration date of such license.

§ 18.47 *Station license, posting of.* The original of each station license shall be posted in the room in which the equipment is operated. Licenses covering equipment not used in a fixed place shall be attached to the equipment itself.

§ 18.48 *Operator requirements* Equipment for which a station license is issued pursuant to the provisions of this part may be operated by persons who do not hold an operator license or permit issued by this agency.

§ 18.49 *Cessation of operation pursuant to license.* If any equipment for which a license has been issued hereunder shall cease to be operated pursuant to such license, or is transferred, sold, assigned, leased, loaned, stolen, destroyed, or otherwise removed from the possession of the licensee, the licensee shall within five days of such occurrence notify the Commission thereof and, where possible, include in such notification the name and address of the recipient of such equipment.

§ 18.51 *Existing equipment.* The provisions of this part shall not be applicable until June 30, 1953 to diathermy equipment and industrial heating equipment, the manufacture and assembly of which was completed prior to July 1, 1947, nor shall they be applicable until April 30, 1953 to miscellaneous equipment, the manufacture and assembly of which was completed prior to April 30, 1948: *Provided,* That the foregoing provisions of this section shall be applicable only if such steps as may be necessary are promptly taken to eliminate interference to authorized radio services resulting from the operation of equipment manufactured prior to the respective dates set forth in this section. In the case of industrial heating equipment the operator of the equipment concerned shall take the steps necessary to certify the equipment at the time the interference is eliminated as required by this section, or within such period thereafter as the Commission may prescribe.

APPENDIX A

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D. C.

Docket No. 7058

In the matter of promulgation of rules and regulations governing medical diathermy equipment and industrial heating equipment.

PUBLIC NOTICE AND ORDER

PUBLIC NOTICE

By public notice of September 20, 1946, the Commission announced proposed rules and regulations governing the operation of medical diathermy equipment and industrial heating equipment and specified November 6, 1946, for oral argument and hearing on such proposed rules and regulations. In its public notice of September 20, 1946, the Commission also stated that in the oral argument and hearing referred to above consideration would be given to the question whether an additional frequency band should be assigned for the operation of medical diathermy equipment and industrial heating equipment in the 3000 megacycle region of the spectrum. By subsequent notice dated October 9, 1946, the said oral argument and hearing was postponed to December 18, 1946, and in a further notice of November 14, 1946, particular attention was called to the fact that consideration would be given to allocation of a frequency in the 3000 megacycle region of the spectrum for industrial, medical and scientific purposes and all interested parties were invited to submit comments and participate in the scheduled oral argument and hearing.

The oral argument and hearing referred to above was held on December 18 and 19, 1946, and upon the basis of the evidence received at that time the Commission has determined that the public interest would be served by a grant of the request for allocation of space in the 3000 megacycle region of the spectrum which would be available for industrial, medical, and scientific purposes. Accordingly, the Commission has adopted the order set out below providing for allocation of the frequency 2450 megacycles for such purposes

[5] *Provided,* That: In cases of interference to receivers arising from direct intermediate frequency pickup by such receivers of the fundamental frequency emissions of type-approved or certified miscellaneous equipment operating on prescribed fundamental frequencies and otherwise in accordance with § 18.11, this section shall not apply.

and requiring that emissions radiated in the course of operation on that frequency be confined within the range 2400–2500 megacycles.

The regulations under consideration in Docket 7858 with respect to operation of industrial heating and medical diathermy equipment in the 13, 27 and 40 megacycle regions of the spectrum are inapplicable to this operation on 2450 megacycles and detailed regulations with respect to operation on that frequency have not yet been promulgated. However, rather than postpone the availability of the frequency in question for general use until such standards have been determined, the Commission is making the frequency 2450 megacycles available for immediate nonexclusive use without a license for industrial, medical, and scientific purposes in compliance with certain conditions set forth in the order. It should be noted particularly that operation at this time rather than at a later date after the promulgation of engineering standards is expressly made subject to such regulations as the Commission may in the future decide to be appropriate with respect to operation upon the frequency in question. Persons who make use of that frequency now are accordingly placed on notice that such regulations may be adopted and be applicable to their operation.

ORDER

At a meeting of the Federal Communications Commission in its offices in Washington, D. C., on December 26, 1946.

The Commission having under consideration a request for assignment of a frequency in the 3000 megacycle region of the radio spectrum for industrial, medical, and scientific purposes without a license, and

The Commission on December 18 and 19, 1946, having held a public hearing, after due notice to all interested parties, to receive evidence upon the question whether such a band should be assigned for such purposes; and

The Commission having considered the evidence presented during such hearing and having determined upon such consideration that the public interest, convenience, and necessity would be served by such an allocation;

Now, therefore, it is hereby ordered, That the frequency 2450 megacycles be, and the same is hereby, assigned, for industrial, medical, and scientific purposes upon a non-exclusive basis. Operation for such purposes upon the frequency 2450 megacycles may be conducted without a license only upon the following conditions:

(1) The emissions of radio frequency energy resulting from such operation shall be confined to that portion of the spectrum between 2400–2500 megacycles.

(2) The energy radiated and the band width of emissions of all industrial, medical and scientific equipment operated as provided for herein shall be reduced to the greatest extent practicable. No interference shall be caused to authorized communication services from spurious or harmonic radiations. In the event of such interference from spurious or harmonic radiations, operation of the equipment causing such interference shall cease and shall not be resumed until steps necessary to eliminate such interference have been taken.

(3) Operation upon the assigned frequency as specified above shall be subject to such future regulations as may be found by the Commission to be appropriate.

[F. R. Doc. 53–7941; Filed, Sept. 11, 1953; 8:48 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter B—Hunting and Possession of Wildlife

PART 6—MIGRATORY BIRDS AND CERTAIN GAME MAMMALS

MISCELLANEOUS AMENDMENTS

Basis and purposes. Section 3 of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755, 16 U. S. C. 704) authorizes and directs the Secretary of the Interior, from time to time, having due regard for the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory birds to determine when, to what extent, and by what means, such birds, or any part, nest or egg thereof, may be taken, captured, killed, possessed, sold, purchased, shipped, carried or transported.

Canada geese annually frequenting Alexander County, Illinois, in the vicinity of Horseshoe Lake have greatly increased during recent years and it has been determined after field investigations and following discussions with State game administrators in Illinois that proper management of these flocks warrants a reduction of the present closed area in Alexander County to permit a larger harvest. A modification of the footnote pertaining to the goose bag limit in Pacific Coast States is desirable to avoid misunderstanding by the public.

Accordingly, after due consideration and under authority of said statutory provision, the regulations under the Migratory Bird Treaty Act are amended as follows:

1. The area closed to goose hunting in a portion of Alexander County, Illinois, by proclamation 2748 of October 1, 1947 (12 F. R. 6521, 61 Stat. 1089) is reduced to include only the area described as follows:

THIRD PRINCIPAL MERIDIAN

Beginning at the intersection of the north right-of-way line of the Illinois State Route No. 3 with the west right-of-way line of the Olive Branch-Miller City Road in the town of Olive Branch, said point being in the NW¼, Section 32, T. 15S., R. 2W.,

Thence southerly along the said westerly right-of-way line of the Olive Branch-Miller City Road, approximately 4.6 miles through T. 15S., R. 2W., Section 32, and T. 16S., R. 2W., Sections 5, 6, 7, 18, 17, and 20 to the intersection of this line with the south right-of-way line of the Promised Land or Spillway Road, said point being approximately one quarter mile southwesterly of the intersection of Olive Branch-Miller City Road with the Missouri Pacific Railroad in Miller City and located approximately in the center of the W½, Section 20, T. 16 S., R. 2W.,

Thence easterly and northeasterly along the southerly right-of-way line of the Promised Land or Spillway Road approximately 5.2 miles through T. 16S., R. 2W., Sections 20, 21, 22, 15, 14, 13, and 12 to the intersection of said line with the center line of the main track of the Gulf, Mobile & Ohio Railroad in the SE¼ of Section 12 about 800 feet west of Cache River;

Thence northerly, with the center line of the main track of said Gulf, Mobile & Ohio Railroad, through Sections 12 and 1, approximately 1.2 miles, to a point in the center line of the main track of the aforesaid railroad, in the SE¼ of said Section 1, about 1,320 feet north of the south boundary of said section, at Unity;

Thence northwesterly, approximately 625 feet to a point in the northerly right-of-way line of a road running northwesterly, in the SE¼ of Section 1;

Thence northwesterly with the northerly right-of-way line of the road through said Section 1 approximately 4,400 feet to a point where said road runs northerly between Sections 1 and 2, T. 16S., R. 2W.,

Thence northerly with the east right-of-way line of said road approximately 1650 feet to a point where said east right-of-way line intersects the north right-of-way line of a County road running in an east-west direction, said point being near the N. W. corner of Section 1, T. 16S., R. 2W.,

Thence westerly along the north right-of-way line of said County road between Sections 2, 3, 4, T. 16S., R. 2W., and Sections 35, 34, 33, T. 15S., R. 2W. approximately 2.5 miles to the intersection of said right-of-way line with the northeasterly right-of-way line of the Illinois State Route No. 3 near the N. W. corner of the NE¼, Section 4, T. 16S., R. 2W.,

Thence northwesterly along the northeasterly right-of-way of said Route No. 3 approximately 1.3 miles to the place of beginning.

2. Footnote 3 under schedule (6) *Mississippi Flyway States* designated as subparagraph (6) of § 6.4 (e) is amended to read as follows:

[3] No open season for geese in that part of Alexander County, Illinois, established as closed area by proclamation 2748 of October 1, 1947 (12 F. R. 6521), as amended.

3. Schedule (7) *Central Flyway States* designated as subparagraph (7) of § 6.4 (e) is amended to provide a season for jacksnipe in New Mexico from November 21 to December 5 opening at noon on the first day.

4. Footnote 3 under schedule (8) *Pacific Flyway States* designated as subparagraph (8) of § 6.4 (e) is amended to read as follows:

[3] Geese: The limit of white-fronted, tule, blue, emperor or Canada geese and its subspecies (except cackling geese) shall not exceed 3 singly or in aggregate. In the case of cackling and snow geese the limit shall not exceed 6 singly or in the aggregate. The limit for all geese (except Ross's goose for which there is no open season) shall not exceed 6, not more than 3 of which singly or in the aggregate shall be white-fronted, tule, blue, emperor or Canada geese and its subspecies (except cackling geese).

These amendments shall become effective on October 16, 1953.

Date: September 9, 1953.

DOUGLAS MCKAY,
Secretary of the Interior.

[F. R. Doc. 53–7956; Filed, Sept. 11, 1953; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 921]

[Docket No. AO 222-A5]

HANDLING OF MILK IN SPRINGFIELD, MISSOURI, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) notice is hereby given of a public hearing to be held at the Colonial Hotel, Springfield, Missouri, beginning at 10:00 a. m., c. s. t., September 28, 1953, for the purpose of receiving evidence with respect to emergency and other economic conditions which relate to the handling of milk in the Springfield, Missouri, marketing area, and to proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Springfield, Missouri, milk marketing area (7 CFR 921 et seq.) These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order, as amended, regulating the handling of milk in the Springfield, Missouri, milk marketing area were proposed as follows:

By the Producers Creamery Company of Springfield:

1. Delete so much of § 921.7 as reads "within the limits of the City of Springfield, Missouri," and substitute in lieu thereof the following: "within the Counties of Greene, Polk, Cedar, Dade, Lawrence, Barry, Stone, Christian, Taney, Ozark, Douglas, Webster, Wright, Laclede, Dallas, Howell, and Texas, all in the State of Missouri, and the Counties of Boone and Marion, all in the State of Arkansas, and all of that area contained in the Fort Leonard Wood Military Reservation."

2. Delete § 921.62 (b)

3. Consider regulating ungraded handlers which process and package ungraded milk and distribute such milk on wholesale or retail routes within the proposed marketing area. Said consideration to include those changes necessary in the appropriate sections of the order to effect such regulation.

By the Greene County Missouri Milk Producers Association:

4. Amend § 921.31 to provide on or before the 7th day after the end of each delivery period each handler shall report the correct name and address of each producer, the total pounds of milk received from each producer, the number of days upon which milk was received from each producer, the amount of any deductions authorized in writing by the producer in making payments to each producer, and the average butterfat content of the milk received from each producer.

5. Change the period at the end of § 921.51 (a) to a colon and add the following proviso: *"Provided further* That the Class I price shall be the basic formula price for the preceding delivery period plus $1.75 through February 1954."

6. Amend § 921.62 to provide that payments due under § 921.62 be paid to the market administrator for deposit to a special fund from which payments will be made by the market administrator to increase under certain conditions the uniform price of all producers.

7. Amend § 921.71 to provide for the computation of the uniform price for each handler and to include for the months of September through February, provision for payment to be made on the uniform price for each handler.

8. Add § 921.72 to provide for the computation of the uniform price for base milk and for excess milk for each handler for the delivery periods of March through August, and add the following provisions;

(a) Subtract, for each of the months of March through August, during which a handler purchased a smaller percentage of his Class I milk from producers who were members of a cooperative association than he so purchased during the preceding period of September through February, an amount computed as follows:

(1) Compute the difference between the percentage which Class I milk purchased from producers who were members of such cooperative association was of the total Class I milk disposed of by such handler during the preceding period of September through February, and the percentage which Class I milk purchased from member producers of such cooperative association was of the total Class I milk disposed of by such handler during the month;

(2) Multiply this percentage difference by the total Class I milk disposed of by such handler during the month; and

(3) Multiply this quantity of milk by the difference between the price of Class I milk and Class II milk for the month: *Provided,* That the total quantity of all handlers to which such difference in price shall apply shall not be greater than the pounds of milk which were received by all handlers from member producers of such cooperative association during the month, and which were classified as Class II milk: *And provided further* That during any month when the preceding proviso applies to more than one handler the quantities of milk for each handler to be multiplied by such difference in price shall be reduced pro rata until the total of such quantities is equal to the total pounds of milk which were received by all handlers from member producers of such cooperative during the month, and which were classified as Class II milk.

(b) Add, in computing the uniform price of base milk and excess milk diverted by a cooperative association, the sum of the deductions made for the month pursuant to paragraph (a) (3) of this section in computing such uniform prices for all handlers;

9. Amend § 921.80 to provide that all partial payments and final payments due producers be paid to the market administrator. All handlers pay their net obligations to the market administrator, and that the market administrator shall pay each producer for the partial and final payment. In making payment to producers the market administrator shall pay on or before the 2d day prior to the date payments are due individual producers, to a cooperative association which is authorized to collect payment for milk of its members and from which a request for such payment has been received, a total amount equal to not less than the sum of the individual payments otherwise payable to such producers pursuant to this section.

10. Amend § 921.82 and § 921.83 to provide for a special fund into which the market administrator shall deposit payments made by handlers pursuant to § 921.62 (b)

11. Amend § 921.84 to provide for payments by the market administrator out of the special fund established under § 921.83 to all producers at such time as the cash balance in the fund will allow payments to all producers at not less than three cents per hundredweight.

12. Add the following sections:

§ 921.90 *Determination of daily base of each producer* For the delivery periods of March through August of each year, the daily base of each producer shall be an amount of milk computed by the market administrator by dividing the total pounds of milk received from such producer by handlers during the preceding delivery periods of September through February by the total number of days in such period during which such producer made deliveries or by 90, whichever is greater: *Provided,* That for the delivery periods of March through August 1954, the total pounds of milk received from such producer by handlers during the preceding delivery periods from the effective date of this order through February 1954 shall be used in such computation.

§ 921.91 *Determination of the delivery period base of each producer* For each of the delivery periods of March through August of each year the base of each producer shall be an amount of milk computed by the market administrator by multiplying the daily base of such producer by the number of days on which milk was received during such delivery period from such producer by a handler.

§ 921.92 *Base rules.* (a) A base shall apply to deliveries of milk by the pro-

ducer for whose account that milk was delivered during the base forming period;

(b) Bases may be transferred by notifying the market administrator in writing before the last day of any month in which such base applies that such base is to be transferred to the person named in such notice only as follows:

(1) In the event of the death, retirement, or entry into military service of a producer the entire base may be transferred to a member(s) of such producer's immediate family who carries on the dairy operation.

(2) If a base is held jointly and such joint holding is terminated, the entire base only may be transferred to one of the joint holders.

§ 921.93 *Announcement of daily bases.* On or before March 1 of each year, the market administrator shall notify each producer of his daily base.

13. a. Re-number §§ 921.90, 921.91, 921.92, 921.93 to §§ 921.100, 921.101, 921.102, 921.103.

b. Re-number §§ 921.100, 921.101 to §§ 921.110, 921.111.

By the Dairy Branch, Production and Marketing Administration:

14. Make such changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the order now in effect may be procured from the Market Administrator, 4030 Chouteau Avenue, St. Louis 10, Missouri, or from the Hearing Clerk, Room 1353, South Building, U. S. Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: September 8, 1953, at Washington, D. C.

[SEAL] ROY W LENNARTSON,
Assistant Administrator

[F. R. Doc. 53-7959; Filed, Sept. 11, 1953; 8:51 a. m.]

[7 CFR Part 984]

HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

SALABLE, SURPLUS, AND WITHHOLDING PERCENTAGES

Notice is hereby given that the Department is considering the issuance of the administrative rule set forth herein pursuant to the provisions of Marketing Agreement No. 105 and Order No. 84 regulating the handling of walnuts grown in California, Oregon, and Washington (7 CFR, 1952 Rev., Part 984) effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Prior to the final issuance of such administrative rule consideration will be given to data, views, or arguments pertaining thereto which are submitted in writing to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., and which are received not later than the close of business on September 29, 1953.

Pursuant to provisions of the aforesaid agreement and order the Walnut Control Board, the administrative agency thereunder at a duly called meeting in San Francisco, California, on August 21, 1953, unanimously recommended that the salable percentage of merchantable walnuts for the 1953–54 marketing year be fixed at 80 percent and the surplus percentage at 20 percent. The Board also unanimously adopted the following estimates:

(1) The quantity of merchantable walnuts to be produced during the 1953–54 marketing year will be 995,000 bags of 100 pounds each;

(2) The handler carryover as of August 1, 1953, was 143,000 bags of 100 pounds each of which 62,000 bags were certified for handling under 1952–53 marketing year operations;

(3) The trade demand for the marketing year 1953–54 in the Continental United States, Hawaii, Puerto Rico, Canal Zone, and Cuba, will be 825,000 bags of 100 pounds each.

According to Board estimates, the handler carryover on August 1, 1953, plus the salable quantity from the 1953 crop resulting from the use of the proposed percentage will be sufficient to satisfy the trade demand for merchantable walnuts and leave adequate carryover stocks on August 1, 1954.

It is provided in § 984.4 of the aforesaid marketing agreement and order that a withholding percentage shall be announced, that it shall be the ratio (measured as a percentage) of the surplus percentage to the salable percentage, adjusted to the nearest whole number. On the basis of the proposed surplus percentage of 20 percent and salable percentage of 80 percent, the withholding percentage would be 25 percent.

The proposed percentages are based on the Board's estimates and recommendation in conjunction with other pertinent information available to the Department. The Board's estimates and recommendation appear to be reasonable.

Therefore, such proposed administrative rule is as follows:

§ 984.205 *Salable, surplus, and withholding percentages for merchantable walnuts during the 1953–54 marketing year* For merchantable walnuts, during the 1953–54 marketing year, the salable percentage shall be 80 percent, the surplus percentage shall be 20 percent, and the withholding percentage shall be 25 percent.

Issued at Washington, D. C., this 8th day of September 1953.

[SEAL] S. R. SMITH,
Director
Fruit and Vegetable Branch.

[F. R. Doc. 53-7960; Filed, Sept. 11, 1953; 8:51 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 5766]

AIR AMERICA, INC., ENFORCEMENT PROCEEDING

NOTICE OF ORAL ARGUMENT

In the matter of the Air America Enforcement Proceeding.

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held September 29, 1953, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., September 9, 1953.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 53-7958; Filed, Sept. 11, 1953; 8:51 a. m.]

[Docket No. 5984]

AMERICAN AIRLINES, INC., NOGALES, ARIZ., INVESTIGATION

NOTICE OF HEARING

In the matter of an investigation to determine whether the public convenience and necessity require amendment of American Airlines, Inc., certificate of public convenience and necessity for route No. 4 so as to authorize service to Nogales, Arizona.

Pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, notice is hereby given that a hearing in the above-entitled proceeding is assigned to be held on September 18, 1953, at 10:00 a. m., local time), in the City Council Chambers, 211 Grand Avenue, Nogales, Arizona, before Examiner Joseph L. Fitzmaurice.

Without limiting the scope of the issues presented in this proceeding, particular attention will be directed to these matters:

1. Does the public convenience and necessity require and should the Board order amendment of the certificate of

public convenience and necessity of American Airlines, Inc. for route No. 4 so as to authorize service to Nogales, Arizona on a permanent basis or for some temporary period?

2. Whether or not the Board has the power to require a carrier to add a point to its route on a permanent or temporary basis?

Notice is further given that any person other than the parties of record desiring to be heard in this proceeding may file with the Board on or before September 18, 1953, a statement setting forth the matters of fact and of law which he desires to controvert. Any person filing such a statement may appear at the hearing in accordance with § 302.14 of the Procedural Regulations under Title IV of the Civil Aeronautics Act, as amended.

Dated at Washington, D. C., September 9, 1953.

[SEAL] FRANCIS W BROWN,
Chief Examiner

[F. R. Doc. 53-7957; Filed, Sept. 11, 1953; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6514]

MOUNTAIN STATES POWER CO.

NOTICE OF ORDER CONDITIONALLY AUTHORIZING ISSUANCE OF BONDS AND DENYING APPLICATION FOR EXEMPTION

SEPTEMBER 8, 1953.

Notice is hereby given that on September 3, 1953, the Federal Power Commission issued its order adopted September 2, 1953, in the above-entitled matter, conditionally authorizing issuance of bonds and denying application for exemption from the requirements of the Commission's rules relative to competitive bidding.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-7935; Filed, Sept. 11, 1953; 8:46 a. m.]

[Project No. 637]

WASHINGTON WATER POWER CO.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

SEPTEMBER 8, 1953.

Public notice is hereby given that The Washington Water Power Company, of Spokane, Washington, has made application for amendment of its license for Project No. 637, pursuant to the provisions of the Federal Power Act (16 U. S. C. 791-825r) located on Lake Chelan in Chelan County, Washington, so as to extend for an additional 5-year period from September 15, 1953, modified Article 13 of the license under which the surface levels of Lake Chelan are not permitted to be raised above elevation 1,100 feet or to be drawn below elevation 1,079 feet.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10) on or before October 23, 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-7933; Filed, Sept. 11, 1953; 8:46 a. m.]

[Docket No. E-6521]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE

NOTICE OF ORDER EXEMPTING LICENSEE FROM REQUIREMENTS

SEPTEMBER 8, 1953.

Notice is hereby given that on September 3, 1953, the Federal Power Commission issued its order adopted September 2, 1953, in the above-entitled matters, exempting Licensee from any requirement of § 20.1 of the Commission's general rules and regulations.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-7936; Filed, Sept. 11, 1953; 8:46 a. m.]

[Docket No. G-1954]

CONNECTICUT GAS CO.

NOTICE OF SUPPLEMENTAL ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

SEPTEMBER 8, 1953.

Notice is hereby given that on September 3, 1953, the Federal Power Commission issued its supplemental order adopted September 2, 1953, issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-7937; Filed, Sept. 11, 1953; 8:46 a. m.]

[Project No. 2139]

SAINT ANTHONY FALLS WATER POWER CO. AND MINNEAPOLIS MILL CO.

NOTICE OF APPLICATION FOR LICENSE

SEPTEMBER 8, 1953.

Public notice is hereby given that Saint Anthony Falls Water Power Company and Minneapolis Mill Company, both of Minneapolis, Minnesota, have made application for license, pursuant to the provisions of the Federal Power Act (16 U. S. C. 791-825r) for constructed Project No. 2139, known as the Saint Anthony Falls Upper Dam project, located on the Mississippi River in Hennepin County, Minnesota, and consisting of a gravity type dam, equipped with head gates, wasteways, and sluices; a canal and tailrace on the right bank of the river; a headrace; a powerhouse to be re-equipped to contain four 3,400-horsepower turbines, each connected to a 2,400-kilowatt generator, and a 3,500-horsepower turbine connected to a 2,500-kilowatt generator; a tailrace; underground cables to the Main Street Substation of Northern States Power Company and appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10) on or before October 19, 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-7934; Filed, Sept. 11, 1953; 8:46 a. m.]

[Docket No. G-2090]

CHICAGO DISTRICT PIPELINE CO.

NOTICE OF ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AND RESCINDING AUTHORIZATION TO ABANDON FACILITIES

SEPTEMBER 8, 1953.

Notice is hereby given that on September 4, 1953, the Federal Power Commission issued its order adopted September 2, 1953, modifying the order accompanying Opinion No. 248 (18 F R. 2459) issuing certificate of public convenience and necessity, and rescinding authorization to abandon facilities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-7938; Filed, Sept. 11, 1953; 8:47 a. m.]

[Docket Nos. G-2190, G-2198, G-2200]

MONTANA-DAKOTA UTILITIES CO. ET AL.

NOTICE OF FINDINGS AND ORDERS

SEPTEMBER 8, 1953.

In the matters of Montana-Dakota Utilities Co., Docket No. G-2190; Arkansas Louisiana Gas Company, Docket No. G-2198; Gas Transport, Inc., Docket No. G-2200.

Notice is hereby given that on September 4, 1953, the Federal Power Commission issued its findings and orders adopted September 2, 1953, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-7939; Filed, Sept. 11, 1953; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 37-59, 70-2126]

COMMONWEALTH & SOUTHERN CORP. (DELAWARE) ET AL.

ORDER RESCINDING REQUIREMENT FOR FILING REPORTS BY INDEPENDENT SERVICE COMPANY

SEPTEMBER 8, 1953.

In the matter of the Commonwealth & Southern Corporation (Delaware), The Commonwealth & Southern Corporation (New York), The Southern Company, Southern Services, Inc., Consumers Power Company, Central Illinois Light

Company, Ohio Edison Company, Pennsylvania Power Company, Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, File No. 70-2126; Southern Services, Inc., File No. 37-59.

The Commission having approved by order dated September 23, 1949 (Holding Company Act Release No. 9362) in the above-captioned proceeding, the transformation of The Commonwealth & Southern Corporation (New York) at that time a mutual service company in The Commonwealth & Southern Corporation (Delaware) holding-company system, into an independent service company to engage, among other things, in the rendering of services to certain of its former affiliates; the name of The Commonwealth & Southern Corporation (New York) having since been changed to Commonwealth Services, Inc. ("Service Company") and said order of September 23, 1949, having contained, among others, the following condition:

1. That Service Company, upon obtaining independent status shall keep its accounts in accordance with the Uniform System of Accounts For Service Companies prescribed by the Commission and shall file with the Commission quarterly reports showing the extent and nature of the services which Service Company has rendered to its former affiliates and the amount of charges made for fixed fee services and for specific work order services, together with copies of all contracts for services entered into during the quarterly period, sample work orders, and such other additional information as the Commission may from time to time request.

Service Company having now requested that said condition insofar as it relates to the filing of quarterly reports, be rescinded, upon the ground, among others, that it no longer has fixed fee arrangements with any former affiliates; and

The Commission, in the circumstances herein, deeming that said request may appropriately be granted:

It is ordered, That the condition set forth above and contained in the Commission's order of September 23, 1949, insofar as it relates to the filing of quarterly reports, be, and the same hereby is, rescinded as of the date of the instant order, which shall be effective forthwith; and that in all other respects said condition remain in full force and effect.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-7929; Filed, Sept. 11, 1953; 8:45 a. m.]

[File Nos. 70-3127, 70-3128]

DUQUESNE LIGHT CO., AND STANDARD POWER AND LIGHT CORP.

ORDER PERMITTING ISSUANCE AND SALE BY PUBLIC UTILITY SUBSIDIARY OF ADDITIONAL SHARES OF COMMON STOCK, ADDITIONAL SHARES OF PREFERRED STOCK AND PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS AND SALE BY PARENT OF COMMON STOCK OF SUBSIDIARY

SEPTEMBER 8, 1953.

In the matter of Duquesne Light Company, File No. 70-3127; Standard Power and Light Corporation, File No. 70-3128.

Duquesne Light Company ("Duquesne") a subsidiary of Philadelphia Company, a registered holding company and a subsidiary of Standard Gas and Electric Company which, in turn, is a subsidiary of Standard Power and Light Corporation ("Standard Power") both also registered holding companies, has filed with this Commission an application-declaration (File No. 70-3127) and amendments thereto, and Standard Power has filed an application-declaration (File No. 70-3128) and amendments thereto, pursuant to sections 6 (b) 9, 10, and 12 of the Public Utility Holding Company Act of 1935 ("act") and Rules U-42, U-44 and U-50 promulgated thereunder with respect to the following transactions:

Duquesne proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, (a) 150,000 additional shares of its authorized but unissued common stock of a par value of $10 per share, (b) 100,000 shares of its authorized but unissued preferred stock as a new series to be known as its "___ Percent Preferred Stock" of the par value of $50 per share, and (c) $12,000,000 principal amount of its First Mortgage Bonds, Series due September 1, 1983. The price per share of the common stock and the dividend rate and the price per share of the preferred stock will be determined by the bidding, except that the invitation for bids will specify that the price to the company for the new preferred stock shall not be less than $50 nor more than $51.375 per share. The bonds will be issued under the provisions of an Indenture dated August 1, 1947, between Duquesne and Mellon National Bank and Trust Company, Trustee, as last supplemented by a Supplemental Indenture dated September 1, 1952, and to be further supplemented by a new Eighth Supplemental Trust Indenture, to be dated as of September 1, 1953. The interest rate and the price to be paid the company for the bonds will be determined by the bidding, except that the invitation for bids will specify that the price to the company shall not be less than 100 percent nor more than 102¾ percent of the principal amount thereof.

Duquesne requests that the ten-day period required by Rule U-50 with respect to the proposed sale of the common stock and preferred stock be shortened, respectively, to six and eight days. The net proceeds to be derived from the sale of the common stock, the preferred stock and the bonds will be used for the purpose of financing, in part, Duquesne's 1953-1955 construction program and for repayment of bank loans, aggregating between $14,400,000 and $15,900,000, incurred for construction purposes.

The filing states that the issuance and sale by Duquesne of the aforesaid securities have been authorized by the Public Utility Commission of Pennsylvania. Duquesne requests that the Commission's order herein become effective upon issuance.

Standard Power proposes to sell, pursuant to the competitive bidding requirements of Rule U-50, 34,739 shares of the presently outstanding common stock of Duquesne now held by Standard Power. The proposed sale will be made simultaneously with the proposed sale by Duquesne of additional shares of its common stock. In connection therewith, Standard Power has agreed to accept or reject any and all bids as to its shares of Duquesne common stock as shall be accepted or rejected by Duquesne for the additional shares of its common stock. Standard Power will apply the proceeds received from such sale to the reduction of its presently outstanding bank loan in the amount of $2,400,000. Standard Power requests that the ten-day notice period required by Rule U-50 be shortened to six days and that the Commission's order herein become effective upon issuance.

Standard Power represents that no State Commission has jurisdiction over its proposed transactions.

The Commission having heretofore ordered that the proceedings in File No. 70-3127 and File No. 70-3128 be consolidated; due notice of the filing of the said applications-declarations having been given and a hearing thereon not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary; and deeming it appropriate in the public interest and the interest of investors and consumers that said applications, as amended, and said declarations, as amended, respectively, be granted and permitted to become effective forthwith, subject to certain terms and conditions and reservation of jurisdiction:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that the application-declaration, as amended (File No. 70-3127) filed by Duquesne, and the application-declaration, as amended (File No. 70-3128), filed by Standard Power, respectively, be and the same are hereby granted and permitted to become effective, forthwith, subject to the terms and conditions prescribed in Rule U-24 and to the further condition that the results of the competitive bidding with respect to the securities proposed to be sold by Duquesne and Standard Power, pursuant to Rule U-50, have been made a matter of record herein and a further order or orders shall have been entered with respect thereto, which order or orders shall contain such further terms and conditions as may then be deemed appropriate, for which purpose jurisdiction be, and the same hereby is, reserved.

It is further ordered, That jurisdiction be, and the same hereby is, reserved over all fees and expenses incurred or proposed to be incurred in connection with the proposed transactions.

It is further ordered, That the requests of Duquesne and Standard Power for authority to shorten the ten-day notice period required by Rule U-50 to elapse between the time of inviting bids and the entering into of agreements with respect to the issuance and sale of the proposed securities by Duquesne and

Standard Power be, and the same hereby is, granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-7928; Filed, Sept. 11, 1953; 8:45 a. m.]

[File No. 70-3130]

MISSISSIPPI POWER CO.

NOTICE OF FILING REGARDING SALE OF BONDS AT COMPETITIVE BIDDING

SEPTEMBER 8, 1953.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by Mississippi Power Company ("Mississippi") a subsidiary company of The Southern Company, a registered holding company. The declarant has designated sections 6 (a) and 7 of the act and Rule U-50 promulgated thereunder as applicable to the proposed transaction which is summarized as follows:

Mississippi proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $4,000,000 principal amount of its First Mortgage Bonds __ Percent Series due 1983. Said bonds are to be secured by a principal indenture dated as of September 1, 1941, between Mississippi and Guaranty Trust Company of New York, as Trustee, as supplemented by various supplemental indentures including a supplemental indenture to be dated as of October 1, 1953. The interest rate on the bonds (which shall be a multiple of ⅛ of 1 percent) and the price to Mississippi (which shall be not less than 100 percent or more than 102¾ percent of the principal amount thereof plus accrued interest) will be determined by competitive bidding and supplied by amendment.

Mississippi proposes to apply the proceeds from the sale of the bonds toward the construction or acquisition of permanent improvements, extensions and additions to its utility plant. In this connection the declaration states that Mississippi's total expenditures for property additions from January 1, 1953, through June 30, 1953, amounted to $3,361,087 and that the total for the years 1953 and 1954 is estimated at $10,682,000, of which approximately $6,601,000 is scheduled for expenditure during 1953 and $4,081,000 during 1954. It is stated that no State or Federal Commission, other than this Commission, has jurisdiction over the proposed transaction.

It is requested that the Commission's order herein become effective upon the issuance thereof.

Notice is further given that any interested persons may, not later than September 22, 1953, at 5:30 p. m., e. d. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason or reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the declaration, as filed or as amended, may be granted or permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-7931; Filed, Sept. 11, 1953; 8:46 a. m.]

[File No. 812-844]

TRUSTEED FUNDS, INC.

NOTICE OF FILING OF APPLICATION SEEKING EXEMPTION FROM STOCKHOLDER APPROVAL OF INVESTMENT MANAGEMENT AND SPONSOR-UNDERWRITING CONTRACTS

SEPTEMBER 8, 1953.

Notice is hereby given that Trusteed Funds, Inc. ("Trusteed") sponsor and underwriter of Commonwealth Fund, Indentures of Trust, Plans C & D ("Commonwealth") a registered open-end diversified investment company, has filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 ("act") for an order of the Commission exempting until March 15, 1954, proposed new management and sponsor-underwriter contracts from the provisions of section 15 (a) and 15 (b) of the act as more fully set forth below.

The application states that on July 1, 1953, the Commonwealth Indentures of Trust, Plans C & D, were amended to provide that the Fund's assets be valued daily instead of weekly, and the maintenance fees be computed and accrued based on daily valuation of the Fund's assets instead of once per quarter. It is represented that the change does not increase the rate of fees charged.

As a result of these changes it was deemed necessary to execute new investment mangement and sponsor-underwriter contracts, so as to avoid any conflict between the terms of the Indentures as amended, and the existing management and underwriting contracts. It is further pointed out that the contracts expire on March 15, 1954, unless they are renewed with the specific approval of the holders of a majority of the outstanding units of Commonwealth.

Section 15 makes it unlawful for a person to act as investment advisor or principal underwriter for a registered open-end investment company except pursuant to a written contract containing certain provisions specified therein.

Notice is further given that any interested person may, not later than September 15, 1953, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F R. Doc. 53-7930; Filed, Sept. 11, 1953; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28428]

SODA ASH FROM OHIO, NEW YORK, MICHIGAN AND VIRGINIA TO BAUXITE, ARK.

APPLICATION FOR RELIEF

SEPTEMBER 9, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by F C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 4053.

Commodities involved: Soda ash (other than modified) carloads.

From: Specified points in Ohio, New York, Michigan, and Virginia.

To: Bauxite, Ark.

Grounds for relief: Competition with rail carriers, market competition.

Schedules filed containing proposed rates: F C. Kratzmeir, Agent, tariff I. C. C. No. 4053, supp. 17.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Acting Secretary.*

[F. R. Doc. 53-7944; Filed, Sept. 11, 1953; 8:48 a. m.]

[4th Sec. Application 28429]

PAPER ARTICLES FROM PORT ST. JOE, FLA., TO ST. LOUIS, MO., AND EAST ST. LOUIS, ILL.

APPLICATION FOR RELIEF

SEPTEMBER 9, 1953.

The Commission is in receipt of the above-entitled and numbered applica-

tion for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by The St. Louis-San Francisco Railway Company for itself and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1218, pursuant to fourth-section order No. 16101.

Commodities involved: Paper and paper articles, carloads.

From: Port St. Joe, Fla.

To: St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Competition with rail carriers, circuitous routes, operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-7945; Filed, Sept. 11, 1953; 8:48 a. m.]

[4th Sec. Application 28430]

PHOSPHATE ROCK FROM FLORIDA TO THE SOUTHWEST

APPLICATION FOR RELIEF

SEPTEMBER 9, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to Atlantic Coast Line Railroad Company's tariff I. C. C. No. B-3232 and Seaboard Air Line Railroad Company's tariff I. C. C. No. A-8153.

Commodities involved: Phosphate rock, carloads.

From: Points in Florida.

To: Points in the Southwest.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping, to apply rates constructed on the basis of the short-line distance formula.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-7946; Filed, Sept. 11, 1953; 8:49 a. m.]

[4th Sec. Application 28431]

PAPER ARTICLES FROM YULEE, FLA., TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

SEPTEMBER 9, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Paper and paper articles, carloads.

From: Yulee, Fla.

To: Points in official and Illinois territories.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply rates constructed on the basis of the short-line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, tariff I. C. C. No. 1349, supp. 20.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-7947; Filed, Sept. 11, 1953; 8:49 a. m.]

[4th Sec. Application 28432]

PETROLEUM NAPHTHA FROM CHICAGO, ILL., GROUP TO ST. LOUIS, MO.

APPLICATION FOR RELIEF

SEPTEMBER 9, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. G. Raasch, Agent, for carriers parties to schedules referred to below.

Commodities involved: Petroleum naphtha, in tank-car loads.

From: Chicago, Ill., and points grouped therewith.

To: St. Louis, Mo.

Grounds for relief: Competition with rail carriers.

Schedules filed containing proposed rates: AT&SF tariff I. C. C. No. 14713, supp. 4; C&NW tariff I. C. C. No. 11257, supp. 13; CB&Q tariff I. C. C. No. 20354, supp. 9; CMStP&P tariff I. C. C. No. B-7221, supp. 40; CRI&P tariff I. C. C. No. C-13085, supp. 116; GM&O tariff I. C. C. No. 260, supp. 13; IC tariff I. C. C. No. A-11681, supp. 11, NYC tariff I. C. C. No. 1302, supp. 3; WAB tariff I. C. C. No. 7466, supp. 65.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-7948; Filed, Sept. 11, 1953; 8:49 a. m.]

[4th Sec. Application 28433]

PETROLEUM RESIDUAL FUEL OIL FROM JACKSONVILLE, FLA., TO CLYATTVILLE AND VALDOSTA, GA.

APPLICATION FOR RELIEF

SEPTEMBER 9, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for the Atlantic Coast Line Railroad Company and Georgia & Florida Railroad.

Commodities involved: Petroleum residual fuel oil, in tank-car loads.

From: Jacksonville, Fla.

To: Clyattville and Valdosta, Ga.

Grounds for relief: Competition with rail carriers, circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, tariff I. C. C. No. 1253, supp. 107.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from

the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-7949; Filed, Sept. 11, 1953; 8:49 a. m.]

[4th Sec. Application 28434]

ZIRCON ORE FROM MELBOURNE, FLA., TO BALTIMORE, MD., AND WILKINSBURG, PA.

APPLICATION FOR RELIEF

SEPTEMBER 9, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Zircon ore, carloads.

From: Melbourne, Fla.

To: Baltimore, Md., and Wilkinsburg, Pa.

Grounds for relief: Competition with rail carriers, circuitous routes, additional routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, tariff I. C. C. No. 1346, supp. 19.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-7950; Filed, Sept. 11, 1953; 8:49 a. m.]

[4th Sec. Application 28435]

FERRO-MANGANESE AND FERRO-SILICON FROM HOUSTON, TEX., TO KANSAS CITY, MO.-KANS.

APPLICATION FOR RELIEF

SEPTEMBER 9, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by F C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Ferro-manganese and ferro-silicon, carloads.

From: Houston, Tex.

To: Kansas City, Mo.-Kans.

Grounds for relief: Competition with rail carriers, circuitous routes.

Schedules filed containing proposed rates: F C. Kratzmeir, Agent, tariff I. C. C. No. 3967, supp. 257.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-7951; Filed, Sept. 11, 1953; 8:50 a. m.]

[4th Sec. Application 28436]

ACIDS FROM BROWNSVILLE, TEX., TO POINTS IN SOUTHERN TERRITORY, ILLINOIS, INDIANA, MISSOURI, AND WISCONSIN

APPLICATION FOR RELIEF

SEPTEMBER 9, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by F C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Propionic acid, butyric acid, and iso-butyric acid, carloads.

From: Brownsville, Tex.

To: Points in southern territory Illinois, Indiana, Missouri, and Wisconsin.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping, to apply rates constructed on the basis of the short-line distance formula.

Schedules filed containing proposed rates: F C. Kratzmeir, Agent, tariff I. C. C. No. 3967, supp. 258.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-7952; Filed, Sept. 11, 1953; 8:50 a. m.]

[4th Sec. Application 28437]

WOOD PRESERVATIVES FROM ST. LOUIS, MO., TO NORFOLK AND ROANOKE, VA.

APPLICATION FOR RELIEF

SEPTEMBER 9, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4542, pursuant to fourth-section order No. 17220.

Commodities involved: Wood preservatives, carloads.

From: St. Louis, Mo.

To: Norfolk and Roanoke, Va.

Grounds for relief: Competition with rail carriers, circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-7953; Filed, Sept. 11, 1953; 8:50 a. m.]